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Manav Dharma Shastra

OR

*The Institutes
of Manu*

Code of Hindu Laws

Edited by

Graves Hamney Haughton

Vol. IV English Translations



COSMO PUBLICATIONS

Manav Dharma Shastra



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P R E F A C E.

THE INSTITUTES OF MENU, whether regarded for their great antiquity and classic beauty, or for their importance, as being considered a divine revelation by nearly a hundred millions of people, who are mostly British subjects, must ever claim the attention of those who devote themselves to the study of the Sanscrit language, either from literary curiosity, or with the desire of fitting themselves for the Company's Service. Though inferior to the *Védas* in antiquity, they are held to be equally sacred; and owing to their being more intimately connected with the business of life, have tended so much to mould the opinions of the Hindus, that it would be impossible thoroughly to comprehend the literature or local usages of India, without being master of their contents. Hence, independently of the literary curiosity of the work as a record of ancient opinions, and of existing laws, it must be made a subject of elementary study by every one who is desirous of any degree of intimacy

intimacy with Hindu ideas. The system of instruction at this College being one preparatory for practical application in India, these Institutes have been made a part of the course of Sanscrit study; and it must be conceded, that a better work could scarcely have been selected for the purpose.

It appeared highly desirable to take advantage of the aid which Sir W. Jones' translation would afford the student for the comprehension of so difficult, as well as ancient a book, comprising in itself every subject, from the first principles of metaphysics, to the ultimate rewards and punishments of good and evil deeds done in this state of existence. His translation forms, in consequence, the second volume of the work; and some few notes and illustrations have been added to it, where subsequent research and observation had rendered those subjects definite, which he had been obliged to express generally, or in the native terms.

To complete this work, so as to make it perfectly intelligible to scholars who study in private, the printing either the whole, or a selection of the admirable comment of CULLU'CA BHATTA would be of the highest utility. Such a plan the Editor has had in view; but the state of his health forbids him making any promise
on

PREFACE.

on the subject. Should he ever be able to accomplish his wish, it will form a third volume.

Mention will be found made in the Notes of valuable criticisms and other aid received from the kindness of friends, for which the Editor is happy to express his thanks ; but he feels these are more particularly due to his kind and estimable friend Mr. Charles Wilkins, for the most ready communication of his opinion, on any occasion, when difficulties required elucidation, or the sanction of higher authority than the Editor's own judgment.

It will be obvious that this work is not a publication according to the usual acceptation of the term ; but is one especially appropriated for the East-India Company's Service. It has not been edited with a view either to literary fame, or the desire of evincing superior critical knowledge ; but has resulted solely from the wants of the College.

PREFACE

BY

SIR WILLIAM JONES.

IT is a maxim in the science of legislation and government, that *Laws are of no avail without manners*, or, to explain the sentence more fully, that the best intended legislative provisions would have no beneficial effect even at first, and none at all in a short course of time, unless they were congenial to the disposition and habits, to the religious prejudices, and approved immemorial usages of the people for whom they were enacted; especially if that people universally and sincerely believed, that all their ancient usages and established rules of conduct had the sanction of an actual revelation from heaven: the legislature of *Britain* having shown, in compliance with this maxim, an intention to leave the natives of these *Indian* provinces in possession of their own Laws, at least on the titles of *contracts* and *inheritances*, we may humbly presume, that all future provisions, for the
administration

administration of justice and government in *India*, will be conformable, as far as the natives are affected by them, to the manners and opinions of the natives themselves: an object, which cannot possibly be attained, until those manners and opinions can be fully and accurately known. These considerations, and a few others more immediately within my province, were my principal motives for wishing to know, and have induced me at length to publish, that system of duties, religious and civil, and of law in all its branches, which the *Hindus* firmly believe to have been promulged in the beginning of time by MENU, son or grandson of BRAHMA' or, in plain language, the first of created beings, and not the oldest only, but the holiest, of legislators; a system so comprehensive and so minutely exact, that it may be considered as the *Institutes of Hindu Law*, preparatory to the copious *Digest*, which has lately been compiled by *Pandits* of eminent learning, and introductory perhaps to a *Code*, which may supply the many natural defects in the old jurisprudence of this country, and, without any deviation from its principles, accommodate it justly to the improvements of a commercial age.

We are lost in an inextricable labyrinth of imaginary astronomical cycles, *Yugas*, *Maháyugas*, *Calpas*, and *Menwantaras*, in attempting to calculate the time, when the
first

first MENU, according to the *Bráhmens*, governed this world, and became the progenitor of mankind, who from him are called *Mánaváh*; nor can we, so clouded are the old history and chronology of *India* with fables and allegories, ascertain the precise age, when the work, now presented to the Publick, was actually composed; but we are in possession of some evidence, partly extrinsick and partly internal, that it is really one of the oldest compositions existing. From a text of PARA'SARA, discovered by Mr. DAVIS, it appears, that the vernal equinox had gone back from the *tenth* degree of *Bharani* to the *first* of *Aswini*, or *twenty-three degree. and twenty minutes*, between the days of that *Indian* philosopher, and the year of our Lord 499, when it coincided with the origin of the *Hindu* ecliptick; so that PARA'SARA probably flourished near the close of the *twelfth* century before CHRIST: now PARA'SARA was the grandson of another sage, named VA'SISHT'HA, who is often mentioned in the laws of MENU, and once as contemporary with the divine BHRIGU himself; but the character of BHRIGU, and the whole dramatical arrangement of the book before us, are clearly fictitious and ornamental, with a design, too common among ancient lawgivers, of stamping authority on the work by the introduction of supernatural personages, though VA'SISHT'HA may have lived

many generations before the actual writer of it; who names him, indeed, in one or two places, as a philosopher in an earlier period. The style, however, and metre of this work (which there is not the smallest reason to think affectedly obsolete) are widely different from the language and metrical rules of CA'LIDA'S, who unquestionably wrote before the beginning of our era; and the dialect of MENU is even observed, in many passages, to resemble that of the *Véda*, particularly in a departure from the more modern grammatical forms; whence it must at first view seem very probable, that the laws, now brought to light, were considerably older than those of SOLON or even of LYCURGUS, although the promulgation of them, before they were reduced to writing, might have been coeval with the first monarchies established in *Egypt* or *Asia*: but, having had the singular good fortune to procure ancient copies of eleven *Upanishads*, with a very perspicuous comment, I am enabled to fix with more exactness the probable age of the work before us, and even to limit its highest possible age, by a mode of reasoning, which may be thought new, but will be found, I persuade myself, satisfactory; if the Publick shall on this occasion give me credit for a few very curious facts, which, though capable of strict proof, can at present be only asserted. The *Sanscrit* of the
three

three first *Védas* (I need not here speak of the fourth), that of the *Mánava Dherma Sástra*, and that of the *Puránas*, differ from each other in pretty exact proportion to the *Latin* of NUMA, from whose laws entire sentences are preserved, that of APPIUS, which we see in the fragments of the Twelve Tables, and that of CICERO, or of LUCRETIVS, where he has not affected an obsolete style : if the several changes, therefore, of *Sanscrit* and *Latin* took place, as we may fairly assume, in times very nearly proportional, the *Védas* must have been written about 300 years before these Institutes, and about 600 before the *Puránas* and *Itihásas*, which, I am fully convinced, were not the productions of VYA'SA ; so that, if the son of PARA'SARA committed the traditional *Védas* to writing in the *Sanscrit* of his father's time, the original of this book must have received its present form about 880 years before CHRIST's birth. If the texts, indeed, which VYA'SA collected, had been actually *written*, in a much older dialect, by the sages preceding him, we must inquire into the greatest possible age of the *Védas* themselves : now one of the longest and finest *Upanishads* in the second *Véda* contains three lists, in a regular series upwards, of at most *forty-two* pupils and preceptors, who successively received and transmitted (probably by oral tradition) the

b 2

doctrines

doctrines contained in that *Upanishad*; and as the old *Indian* priests were students at *fifteen*, and instructors at *twenty-five*, we cannot allow more than *ten* years, on an average, for each interval between the respective traditions; whence, as there are *forty* such intervals, in two of the lists, between VYA'SA, who arranged the whole work, and AYA'SA, who is extolled at the beginning of it, and just as many in the third list, between the compiler and YA'JNYAWALCYA, who makes the principal figure in it, we find the highest age of the *Yajur Vêda* to be 1580 years before the birth of our Saviour, (which would make it older than the five books of MOSES) and that of our *Indian* law tract about 1280 years before the same epoch. The former date, however, seems the more probable of the two, because the *Hindu* sages are said to have delivered their knowledge orally, and the very word *Sruta*, which we often see used for the *Vêda* itself, means *what was heard*; not to insist, that CULLU'CA expressly declares the sense of the *Vêda* to be conveyed in the *language* of VYA'SA. Whether MENU or MENUS in the nominative and MENO'S in an oblique case, was the same personage with MINOS, let others determine; but he must indubitably have been far older than the work, which contains his laws. and, though perhaps he was never in *Crete*, yet some of his institutions

tions may well have been adopted in that island, whence LYCURGUS, a century or two afterwards, may have imported them to *Sparta*.

There is certainly a strong resemblance, though obscured and faded by time, between our MENU with his divine Bull, whom he names as DHERMA himself, or the genius of abstract justice, and the MNEUES of *Egypt* with his companion or symbol, *Apis*; and, though we should be constantly on our guard against the delusion of etymological conjecture, yet we cannot but admit that MINOS and MNEUES, or *Mneuis*, have only *Greek* terminations, but that the crude noun is composed of the same radical letters both in *Greek* and in *Sanscrit*. ‘ That APIS and MNEUIS, ‘ says the Analyst of ancient Mythology, ‘ were both representations of some personage, appears from the testimony of LYCOPHRON and ‘ his scholiast, and that personage was the same, who ‘ in *Crete* was styled MINOS and who was also represented under the emblem of the *Minotaur*: DIODORUS, ‘ who confines him to *Egypt*, speaks of him by the ‘ title of the bull *Mneuis*, as the first lawgiver, and says, “ That he lived after the age of the gods and heroes, “ when a change was made in the manner of life among “ men; that he was a man of a most exalted soul, and “ a great promoter of civil society, which he benefited “ by

“ by his laws ; and those laws were unwritten, and received by him from the chief *Egyptian* deity HERMES, who conferred them on the world as a gift of the highest importance.” He was the same, adds my learned friend, with MENES, whom the *Egyptians* represented as their first king and principal benefactor, who first sacrificed to the gods, and brought about a great change in diet.’ If MINOS, the son of JUPITER, whom the *Cretans*, from national vanity, might have made a native of their own island, was really the same person with MENU, the son of BRAHMA’, we have the good fortune to restore, by means of *Indian* literature, the most celebrated system of heathen jurisprudence, and this work might have been entitled *The Laws of MINOS* ; but the paradox is too singular to be confidently asserted, and the geographical part of the book, with most of the allusions to natural history, must indubitably have been written after the *Hindu* race had settled to the south of *Himálaya*. We cannot but remark that the word MENU has no relation whatever to the *Moon* ; and that it was the *seventh*, not the *first*, of that name, whom the *Bráhmens* believe to have been preserved in an ark from the general deluge : him they call the *Child of the San*, to distinguish him from our legislator ; but they assign to his brother YAMA the office (which the *Greeks* were pleased

pleased to confer on MINOS) of *Judge in the shades below*.

The name of MENU is clearly derived (like *menes*, *mens*, and *mind*) from the root *men* to *understand*; and it signifies, as all the *Pandits* agree, *intelligent*, particularly in the doctrines of the *Véda*, which the composer of our *Dherma Sástra* must have studied very diligently; since great numbers of its texts, changed only in a few syllables for the sake of the measure, are interspersed through the work and cited at length in the commentaries: the Publick may, therefore, assure themselves, that they now possess a considerable part of the *Hindu* scripture, without the dullness of its profane ritual or much of its mystical jargon. DA'BA SHUCU'H was persuaded, and not without sound reason, that the first MENU of the *Bráhmens* could be no other person than the progenitor of mankind, to whom *Jews*, *Christians*, and *Muselmáns* unite in giving the name of ADAM; but, whoever he might have been, he is highly honoured by name in the *Véda* itself, where it is declared, that 'what-ever MENU pronounced, was a medicine for the soul;' and the sage VRIHASPETI, now supposed to preside over the planet *Jupiter*, says in his own law tract, that 'MENU held the first rank among legislators, because he had expressed in his code the whole sense of the *Véda*;
' that

‘ that no code was approved, which contradicted MENU ;
 ‘ that other *Sāstras*, and treatises on grammar or logick,
 ‘ retained splendour so long only. as MENU, who taught
 ‘ the way to just wealth, to virtue, and to final happiness,
 ‘ was not seen in competition with them ;’ VYA’SĀ too,
 the son of PARA’SĀRA before mentioned, has decided, that
 ‘ the *Vēda* with its *Angas*, or the six compositions de-
 ‘ duced from it, the revealed system of medicine, the
 ‘ *Purānas*, or sacred histories, and the code of MENU,
 ‘ were four works of supreme authority, which ought
 ‘ never to be shaken by arguments merely human.’

It is the general opinion of *Pandits*, that BRAHMA’
 taught his laws to MENU in a *hundred thousand verses*,
 which MENU explained to the primitive world in the
 very words of the book now translated, where he names
 himself, after the manner of ancient sages, in the third
 person ; but, in a short preface to the law tract of NA’RED,
 it is asserted, that ‘ MENU, having written the laws of
 ‘ BRAHMA’ in a hundred thousand *ślōcas* or couplets,
 ‘ arranged under *twenty-four* heads in a *thousand* chap-
 ‘ ters, delivered the work to NA’RED, the sage among
 ‘ gods, who abridged it, for the use of mankind, in
 ‘ *twelve thousand* verses, and gave them to a son of
 ‘ BHRIGU, named SUMATI, who, for greater ease to the
 ‘ human race, reduced them to *four thousand* ; that mor-
 ‘ tals

‘tals read only the second abridgement by SUMATI, while the gods of the lower heaven, and the band of celestial musicians, are engaged in studying the primary code, beginning with the fifth verse, a little varied, of the work now extant on earth; but that nothing remains of NA’RED’S abridgement, except an elegant epitome of the *ninth* original title *on the administration of justice*.’ Now, since these institutes consist only of *two thousand six hundred and eighty five* verses, they cannot be the whole work ascribed to SUMATI, which is probably distinguished by the name of the *Vṛidd’ha*, or ancient, *Mánava*, and cannot be found entire: though several passages from it, which have been preserved by tradition, are occasionally cited in the new digest.

A number of glosses or comments on MENU were composed by the *Munis*, or old philosophers, whose treatises, together with that before us, constitute the *Dherma Sástra*, in a collective sense, or *Body of Law*; among the more modern commentaries, that called *Médhátit’hi* that by GO’VINDARA’JA, and that by DHARANÍ-DHERA, were once in the greatest repute; but the first was reckoned prolix and unequal: the second, concise but obscure; and the third, often erroneous. At length appeared CULLU’CA BHATTA; who, after a painful course

of study and the collation of numerous manuscripts, produced a work, of which it may, perhaps, be said very truly, that it is the shortest, yet the most luminous, the least ostentatious, yet the most learned, the deepest, yet the most agreeable, commentary ever composed on any author ancient or modern, *European* or *Asiatick*. The *Pandits* care so little for genuine chronology, that none of them can tell me the age of CULLU'CA, whom they always name with applause; but he informs us himself, that he was a *Bráhmén* of the *Váréndra* tribe, whose family had been long settled in *Gaur* or *Bengal*, but that he had chosen his residence among the learned on the banks of the holy river at *Cási*. His text and interpretation I have almost implicitly followed, though I had myself collated many copies of *MENU*, and among them a manuscript of a very ancient date: his gloss is here printed in *Italicks*; and any reader, who may choose to pass it over as if unprinted, will have in *Roman* letters an exact version of the original, and may form some idea of its character and structure, as well as of the *Sanscrit* idiom, which must necessarily be preserved in a verbal translation; and a translation, not scrupulously verbal, would have been highly improper in a work on so delicate and momentous a subject as private and criminal jurisprudence.

Should

Should a series of *Bráhmens* omit, for three generations, the reading of MENU, their sacerdotal class, as all the *Pandits* assure me, would in strictness be forfeited; but they must explain it only to their pupils of the three highest classes; and the *Bráhmen*, who read it with me, requested most earnestly, that his name might be concealed; nor would he have read it for any consideration on a forbidden day of the moon, or without the ceremonies prescribed in the second and fourth chapters for a lecture on the *Véda*: so great, indeed, is the idea of sanctity annexed to this book, that, when the chief native magistrate at *Banares* endeavoured, at my request, to procure a *Persian* translation of it, before I had a hope of being at any time able to understand the original, the *Pandits* of his court unanimously and positively refused to assist in the work; nor should I have procured it at all, if a wealthy *Hindu* at *Gayà* had not caused the version to be made by some of his dependants, at the desire of my friend Mr. LAW. The *Persian* translation of MENU, like all others from the *Sanscrit* into that language, is a rude intermixture of the text, loosely rendered, with some old or new comment, and often with the crude notions of the translator; and, though it expresses the general sense of the original,

yet it swarms with errors, imputable partly to haste, and partly to ignorance: thus where MENU says, *that emissaries are the eyes of a prince*, the *Persian* phrase makes him ascribe *four eyes* to the person of a king; for the word *chár*, which means *an emissary* in *Sanscrit*, signifies *four* in the popular dialect.

The work, now presented to the *European* world, contains abundance of curious matter extremely interesting both to speculative lawyers and antiquaries, with many beauties, which need not be pointed out, and with many blemishes, which cannot be justified or palliated. It is a system of despotism and priestcraft, both indeed limited by law, but artfully conspiring to give mutual support, though with mutual checks; it is filled with strange conceits in metaphysics and natural philosophy, with idle superstitions, and with a scheme of theology most obscurely figurative, and consequently liable to dangerous misconception; it abounds with minute and childish formalities, with ceremonies generally absurd and often ridiculous; the punishments are partial and fanciful; for some crimes, dreadfully cruel, for others reprehensibly slight; and the very morals, though rigid enough on the whole, are in one or two instances (as in the case of light oaths and of pious perjury) unaccountably

countably relaxed : nevertheless, a spirit of sublime devotion, of benevolence to mankind, and of amiable tenderness to all sentient creatures, pervades the whole work ; the style of it has a certain austere majesty, that sounds like the language of legislation and extorts a respectful awe ; the sentiments of independence on all beings but God, and the harsh admonitions even to kings, are truly noble ; and the many panegyrics on the *Gáyatrî*, the *Mother*, as it is called, of the *Véda*, prove the author to have *adored* (not the visible material sun, but) *that divine and incomparably greater light*, to use the words of the most venerable text in the *Indian* scripture, *which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate* (not our visual organs merely, but our souls and) *our intellects*. Whatever opinion in short may be formed of MÈNU and his laws, in a country happily enlightened by sound philosophy and the only true revelation, it must be remembered, that those laws are actually revered, as the word of the Most High, by nations of great importance to the political and commercial interests of *Europe*, and particularly by many millions of *Hindu* subjects, whose well directed industry would add largely to the wealth of *Britain*, and who ask no more in return than protection

protection for their persons and places of abode, justice in their temporal concerns, indulgence to the prejudices of their old religion, and the benefit of those laws, which they have been taught to believe sacred, and which alone they can possibly comprehend.

W. JONES

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CHAP. VIII.

On Judicature ; and on Law, Private and Criminal.

HAP. 1. ' A KING, desirous of inspecting judicial proceed-
III. ' ings, must enter his court of justice, composed and
' sedate in his demeanour, together with *Bráhmens*
' and counsellors, who know how to give him advice :

2. ' There, either sitting or standing, holding forth
' his right arm, without ostentation in his dress and
' ornaments, let him examine the affairs of litigant
' parties.

3. ' Each day let him decide causes, one after ano-
' ther, under the eighteen *principal* titles of law, by
' arguments and rules drawn from local usages, and
' from written codes :

4. ' Of those *titles*, the first is debt, on loans for
' consumption ; *the second*, deposits, and loans for use ;
' *the third*, sale without ownership ; *the fourth*, concerns
' among partners ; *the fifth*, subtraction of what has
' been given ;

5. ' *The sixth*, non-payment of wages or hire ; *the*
' *seventh*, non-performance of agreements ; *the eighth*,
' rescission of sale and purchase ; *the ninth*, disputes
' between master and servant ;

6. ' *The tenth*, contests on boundaries ; *the eleventh*
' and

‘ *and twelfth*, assault and slander; *the thirteenth*, lar- CH
 ‘ ceny; *the fourteenth*, robbery and other violence; V.
 ‘ *the fifteenth*, adultery;

7. ‘ *The sixteenth*, altercation between man and
 ‘ wife, and their several duties; *the seventeenth*, the
 ‘ law of inheritance; *the eighteenth*, gaming with dice
 ‘ and with living creatures: these eighteen titles of law
 ‘ are settled as the ground-work of all judicial pro-
 ‘ cedure in this world.

8. ‘ Among men, who contend for the most part on
 ‘ the titles just mentioned, *and on a few miscellaneous*
 ‘ *heads not comprised under them*, let the king decide
 ‘ causes justly, observing primeval law;

9. ‘ But, when he cannot inspect such affairs in per-
 ‘ son, let him appoint, for the inspection of them, a
 ‘ *Bráhmén* of eminent learning:

10. ‘ Let that chief judge, accompanied by three
 ‘ assessors, fully consider all causes brought before
 ‘ the king; and, having entered the court-room, let
 ‘ him sit or stand, *but not move backwards and forwards*.

11. ‘ In whatever country three *Bráhméns*, particularly
 ‘ skilled in the three several *Védas*, sit together with
 ‘ the very learned *Bráhmén* appointed by the king, the
 ‘ wise call that *assembly* the court of BRAHMA’ *wit*
 ‘ *four faces*.

12. ‘ WHEN justice, having been wounded by iniquity,
 ‘ approaches the court, and the judges extract not the
 ‘ dart, they also shall be wounded by it.

13. ‘ Either

CHAP.
VIII.

13. ‘ Either the court must not be entered *by judges,*
‘ *parties, and witnesses,* or law and truth must be openly
‘ declared: that man is criminal, who either says no-
‘ thing, or says what is false or unjust.

14. ‘ Where justice is destroyed by iniquity, and
‘ truth by false evidence, the judges, who basely look
‘ on *without giving redress,* shall also be destroyed.

15. ‘ Justice being destroyed, will destroy; being
‘ preserved, will preserve: it must never, therefore,
‘ be violated. “Beware, *O judge,* lest justice, being
‘ overturned, overturn *both* us and thyself.”

16. ‘ The divine form of justice is represented as
‘ *Vṛisha,* or a bull, and the gods consider him, who
‘ violates justice, as a *Vṛishala,* or one who slays a
‘ bull: let the king, therefore, and his judges beware
‘ of violating justice.

17. ‘ The only firm friend, who follows men even
‘ after death, is justice: all others are extinct with
‘ the body.

18. ‘ Of injustice *in decisions,* one quarter falls on the
‘ party in the cause; one quarter, on his witnesses;
‘ one quarter, on all the judges; and one quarter on
‘ the king;

19. ‘ But where he, who deserves condemnation, shall
‘ be condemned, the king is guiltless, and the judges
‘ free from blame: an evil deed shall recoil on him,
‘ who committed it.

20. ‘ A *Bráh-*

20. ‘ A *Bráhmén* supported only by his class, and CH
 ‘ one barely reputed a *Bráhmén*, but without per- V
 ‘ forming any sacerdotal acts, may, at the king’s plea-
 ‘ sure, interpret the law to him: *so may the two mid-*
 ‘ *dle classes*; but a *Súdra*, in no case whatever.

21. ‘ Of that king, who stupidly looks on, while a
 ‘ *Súdra* decides causes, the kingdom itself shall be
 ‘ embarrassed, like a cow in deep mire.

22. ‘ The whole territory, which is inhabited by a
 ‘ number of *Súdras*, overwhelmed with atheists, and
 ‘ deprived of *Bráhméns*, must speedily perish afflicted
 ‘ with dearth and disease.

23. ‘ LET the king *or his judge*, having seated him-
 ‘ self on the bench, his body properly clothed and
 ‘ his mind attentively fixed, begin with doing reve-
 ‘ rence to the deities, who guard the world; and then
 ‘ let him enter on the trial of causes :

24. ‘ Understanding what is expedient or inexpe-
 ‘ dient, but considering only what is law or not law,
 ‘ let him examine all disputes between parties, in the
 ‘ order of their several classes.

25. ‘ By external signs let him see through the
 ‘ thoughts of men; by their voice, colour, countenance,
 ‘ limbs, eyes, and action :

26. ‘ From the limbs, the look, the motion of the
 ‘ body, the gesticulation, the speech, the changes of
 ‘ the eye and the face, are discovered the internal
 ‘ workings of the mind.

CHAP.
VIII.

27. ' THE property of a student and of an infant;
' whether by descent or otherwise, let the king hold
' in his custody, until the owner shall have ended his
' studentship, or until his infancy shall have ceased
' *in his sixteenth year.*

28. ' Equal care must be taken of barren women,
' of women without sons, *whose husbands have married*
' *other wives*, of women without kindred, or whose
' husbands are in distant places, of widows true to
' their lords; and of women afflicted with illness.

29. ' Such kinsmen, as, *by any pretence*, appropriate
' the fortunes of women during their lives, a just
' king must punish with the severity due to thieves.

30. ' Three years let the king detain the property
' of which no owner appears, *after a distinct procla-*
' *mation*: the owner, appearing within the three years,
' may take it; but, after that term, the king may
' confiscate it.

31. ' He, who says "This is mine," must be duly
' examined; and if, *before he inspect it*, he declare its
' form, number, and other circumstances, the owner
' must have his property;

32. ' But if he show not at what place and time
' it was lost, and specify not its colour, shape, and
' dimensions, he ought to be amerced:

33. ' The king may take a sixth part of the pro-
' perty so detained by him, or a tenth, or a twelfth,
' remembering the duty of good kings.

34. ' Property

34. ‘ Property lost *by one man*, and found *by another*, let the king secure, by committing it to the care of trust-worthy men; and those, whom he shall convict of stealing it, let him cause to be trampled on by an elephant.

35. ‘ From the man, who shall say with truth, “ This property, which has been kept, belongs to me,” the king may take a sixth or twelfth part, *for having secured it* ;

36. ‘ But he, who shall say so falsely, may be fined either an eighth part of his own property, or else in some small proportion to the value of the goods falsely claimed, a just calculation having been made.

37. ‘ A learned *Bráhmén*, having found a treasure formerly hidden, may take it without any deduction; since he is the lord of all;

38. ‘ But of a treasure anciently repositied under ground, which *any other subject* or the king has discovered, the king may lay up half in his treasury, having given half to the *Bráhméns*.

39. ‘ Of old hoards, and precious minerals in the earth, the king is entitled to half by reason of his general protection, and because he is the lord paramount of the soil.

40. ‘ To men of all classes, the king must restore their property, which robbers have seized; since a king, who takes it for himself, incurs the guilt of a robber.

HAP. 41. ' A king, who knows the revealed law, must
 VIII. ' enquire into the particular laws of classes, the laws
 ' *or usages* of districts, the customs of traders, and
 ' the rules of certain families, and establish their pe-
 ' culiar laws, *if they be not repugnant to the law of*
 ' God;

42. ' Since all men, who mind their own customary
 ' ways of proceeding, and are fixed in the discharge
 ' of their several duties, become united by affection
 ' with the people at large, even though they dwell far
 ' asunder.

43. ' Neither the king himself nor his officers must
 ' ever promote litigation; nor ever neglect a law-suit
 ' instituted by others.

44. ' As a hunter traces the lair of a *wounded* beast
 ' by the drops of blood; thus let a king investigate
 ' the true point of justice by deliberate arguments:

45. ' Let him fully consider the nature of truth, the
 ' state of the case, and his own person; and next,
 ' the witnesses, the place, the mode, and the time;
 ' firmly adhering to all the rules of practice:

46. ' What has been practised by good men and by
 ' virtuous *Bráhmens*, if it be not inconsistent with the
 ' legal customs of provinces or districts, of classes and
 ' families, let him establish.

47. ' WHEN a creditor sues before him for the reco-
 ' very of his right from a debtor, let him cause the
 ' debtor to pay what the creditor shall prove due.

48. ' By

48. ' By whatever lawful means a creditor may have gotten possession of his own property, let the king ratify such payment by the debtor, though obtained even by compulsory means.

49. ' By the mediation of friends, by suit in court, by artful management, or by distress, a creditor may recover the property lent; and, fifthly, by legal force.

50. ' That creditor, who recovers his right from his debtor, must not be rebuked by the king for retaking his own property.

51. ' In a suit for a debt, which the defendant denies, let him award payment to the creditor of what, by good evidence, he shall prove due, and exact a small fine, *according to the circumstances of the debtor.*

52. ' On the denial of a debt, which the defendant has in court been required to pay, the plaintiff must call a witness who was present at the place of the loan, or produce other evidence, *as a note and the like.*

53. ' The plaintiff, who calls a witness not present at the place, *where the contract was made*, or, having knowingly called him, disclaims him as his witness; or who perceives not, that he asserts confused and contradictory facts;

54. ' Or who, having stated what he designs to prove, varies afterwards from his case; or who, being questioned

HAP. ' questioned on a fact, which he had before admitted,
VIII. ' refuses to acknowledge that very fact;

55. ' Or who has conversed with the witnesses in a
' place unfit for such conversation; or who declines
' answering a question properly put; or who departs
' from the court;

56. ' Or who, being ordered to speak, stands mute;
' or who proves not what he has alledged; or who
' knows not what is capable or incapable of proof;
' *such a plaintiff* shall fail in that suit.

57. ' Him who has said "I have witnesses," and,
' being told to produce them, produces them not, the
' judge must on this account declare nonsuited.

58. ' If the plaintiff delay to put in his plaint, he
' may, *according to the nature of the case*, be corpo-
' rally punished or justly amerced; and, if the defen-
' dant plead not within three fortnights, he is by law
' condemned.

59. ' In the double of that sum, which the defendant
' falsely denies, or on which the complainant falsely
' declares, shall those two men, wilfully offending
' against justice, be fined by the king.

60. ' When a man has been brought into court by
' a suitor for property, and, being called on to answer,
' denies the debt, the cause should be decided by the
' *Bráhmén* who represents the king, having heard
' three witnesses *at least*.

61. ' WHAT

61. ' WHAT sort of witnesses must be produced by CH
creditors *and others* on the trial of causes, I will V
comprehensively declare; and in what manner those
witnesses must give true evidence.

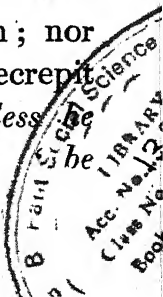
62. ' Married house-keepers, men with male issue,
inhabitants of the same district, either of the mili-
tary, the commercial, or the servile class, are com-
petent, when called by the party, to give their evi-
dence; not any persons indiscriminately, except in
such cases of urgency as will soon be mentioned.

63. ' Just and sensible men of all the *four* classes
may be witnesses on trials; men, who know their
whole duty, and are free from covetousness: but
men of an opposite character the judge must reject.

64. ' Those must not be admitted who have a pecu-
niary interest; nor familiar friends; nor menial ser-
vants; nor enemies; nor men formerly perjured; nor
persons grievously diseased; nor those, who have
committed heinous offences.

65. ' The king cannot be made a witness; nor *cooks,*
and the like mean artificers; nor publick dancers and
singers; nor a priest of deep learning in scripture;
nor a student in theology; nor an anchoret secluded
from all worldly connexions;

66. ' Nor one wholly dependent; nor one of bad
fame; nor one, who follows a cruel occupation; nor
one, who acts openly against the law; nor a decrepit
old man; nor a child; nor one man only, *unless*



HAP. ' *be distinguished for virtue* ; nor a wretch of the lowest
 VIII. ' mixed class ; nor one, who has lost the organs of sense ;

67. ' Nor one extremely grieved ; nor one intoxicated ; nor a madman ; nor one tormented with
 ' hunger or thirst ; nor one oppressed by fatigue ; nor
 ' one excited by lust ; nor one inflamed by wrath ; nor
 ' one who has been convicted of theft.

68. ' Women should regularly be witnesses for
 ' women ; twice-born men, for men alike twice-born ;
 ' good servants and mechanicks, for servants and me-
 ' chanicks ; and those of the lowest race, for those
 ' of the lowest ;

69. ' But any person whatever, who has positive
 ' knowledge of *transactions* in the private apartments
 ' of a house, or in a forest, or at a time of death,
 ' may give evidence between the parties :

70. ' On failure of *witnesses duly qualified*, evidence
 ' may in *such cases* be given by a woman, by a
 ' child, or by an aged man, by a pupil, by a kins-
 ' man, by a slave, or by a hired servant ;

71. ' Yet of children, of old men, and of the dis-
 ' eased, who are all apt to speak untruly, the judge
 ' must consider the testimony as weak ; and *much*
 ' *more*, that of men with disordered minds :

72. ' In all cases of violence, of theft and adultery,
 ' of defamation and assault, he must not examine too
 ' strictly the competence of witnesses.

73. ' If

73. ‘ If there be contradictory evidence, let the CH VI
 ‘ king decide by the plurality of credible witnesses;
 ‘ if equality in number, by superiority in virtue; if
 ‘ parity in virtue, by the testimony of such twice-born
 ‘ men, as have best performed publick duties.

74. ‘ Evidence of what has been seen, or of what
 ‘ has been heard, *as slander and the like*, given by
 ‘ those who saw or heard it, is admissible; and a
 ‘ witness, who speaks truth in those cases, neither de-
 ‘ viates from virtue nor loses his wealth :

75. ‘ But a witness, who knowingly says any thing,
 ‘ before an assembly of good men, different from what
 ‘ he had seen or heard, shall fall headlong, after death,
 ‘ into a region of horreur, and be debarred from hea-
 ‘ ven.

76. ‘ When a man sees or hears any thing, without
 ‘ being then called upon to attest it, yet, if he be
 ‘ *afterwards* examined as a witness, he must declare
 ‘ it, exactly as *it was* seen, *and as it was* heard.

77. ‘ One man, untainted with covetousness *and*
 ‘ *other vices*, may *in some cases* be the sole witness,
 ‘ and will have more weight than many women, be-
 ‘ cause female understandings are apt to waver; or
 ‘ than many other men, who have been tarnished with
 ‘ crimes.

78. ‘ What witnesses declare naturally, *or without*
 ‘ *bias*, must be received on trials; but what they im-
 ‘ properly say, from some unnatural bent, is inapplica-
 ‘ ble to the purposes of justice.

CHAP. 79. ' THE witnesses being assembled in the middle
 VIII. ' of the court-room, in the presence of the plaintiff
 ' and the defendant, let the judge examine them, after
 ' having addressed them *all together* in the following
 ' manner :

80. ' " What ye know to have been transacted in the
 ' matter before us, between the parties reciprocally,
 ' declare at large and with truth ; for your evidence
 ' in this cause is required."

81. ' A witness, who gives testimony with truth,
 ' shall attain exalted seats of beatitude above, and the
 ' highest fame here below : such testimony is revered
 ' by BRAHMA' himself ;

82. ' The witness who speaks falsely, shall be fast
 ' bound *under water*, in the *snaky* cords of VARUNA,
 ' and be wholly deprived of power *to escape torment*
 ' during a hundred transmigrations : let mankind, there-
 ' fore, give no false testimony.

83. ' By truth is a witness cleared from sin ; by truth
 ' is justice advanced : truth must, therefore, be spoken
 ' by witnesses of every class.

84. ' The soul itself is its own witness ; the soul it-
 ' self is its own refuge ; offend not thy conscious soul,
 ' the supreme internal witness of men !

85. ' The sinful have said in their hearts : " None
 ' sees us." Yes ; the gods distinctly see them ; and
 ' so does the spirit within their breasts.

86. ' The guardian deities of the firmament, of the
 ' earth,

‘ earth, of the waters, of the human heart, of the CH
 ‘ moon, of the sun, and of fire, of punishment after V
 ‘ death, of the winds, of night, of both twilights,
 ‘ and of justice, perfectly know the state of all spirits
 ‘ clothed with bodies.

87. ‘ In the forenoon let the judge, being purified,
 ‘ severally call on the twice-born, being purified also,
 ‘ to declare the truth, in the presence of *some image*,
 ‘ *a symbol* of the divinity, and of *Bráhmens*, while the
 ‘ witnesses turn their faces either to the north or to
 ‘ the east.

88. ‘ To a *Bráhmen* he must begin with saying,
 ‘ “ Declare;” to a *Cshatriya*, with saying, “ Declare
 ‘ the truth;” to a *Vaisya*, with *comparing perjury to*
 ‘ *the crime of stealing* kine, grain, or gold; to a
 ‘ *Súdra*, with comparing it *in some or all of the follow-*
 ‘ *ing sentences*, to every crime *that men can commit*.

89. ‘ “ WHATEVER places of torture have been pre-
 ‘ pared for the slayer of a priest, for the murderer
 ‘ of a woman or of a child, for the injurer of a
 ‘ friend, and for an ungrateful man, those places are
 ‘ ordained for a witness who gives false evidence.

90. ‘ “ The fruit of every virtuous act, which thou
 ‘ hast done, O good man, since thy birth, shall de-
 ‘ part from thee to dogs, if thou deviate in speech
 ‘ from the truth.

91. ‘ “ O friend to virtue, that supreme spirit, which
 ‘ thou believest one and the same with thyself, re-

CHAP. ' sides in thy bosom perpetually, and is an all-know-
VIII. ' ing inspector of thy goodness or of thy wickedness.

92. ' " If thou beest not at variance, *by speaking*
' *falsely*, with YAMA, or the subduer of all : with VAI-
' VASWATA, or the punisher, with that great divinity
' who dwells in thy breast, go not *on a pilgrimage*
' to the river *Gangà*, nor to the plains of *CURU*, for
' *thou hast no need of expiation*.

93. ' " Naked and shorn, tormented with hunger and
' thirst, and deprived of sight, shall the man, who
' gives false evidence, go with a potsherd to beg
' food at the door of his enemy.

94. ' " Headlong, in utter darkness, shall the impious
' wretch tumble into hell, who, being interrogated in
' a judicial inquiry, answers one question falsely.

95. ' " He, who in a court of justice gives an imper-
' fect account of any transaction, or asserts a fact of
' which he was no eye-witness, shall receive pain
' *instead of pleasure*, and resemble a man, who eats
' fish *with eagerness* and swallows the sharp bones.

96. ' " The gods are acquainted with no better mor-
' tal in this world, than the man, of whom the intel-
' ligent spirit, which pervades his body, has no dis-
' trust, when he prepares to give evidence.

97. ' " Hear, honest man, from a just enumeration
' in order, how many kinsmen, in evidence of dif-
' ferent sorts, a false witness kills, *or incurs the guilt*
' *of killing* :

98. ' " He

98. ‘ “ He kills five by false testimony concerning
 ‘ cattle in general; he kills ten by false testimony
 ‘ concerning kine; he kills a hundred by false evi-
 ‘ dence concerning horses; and a thousand by false
 ‘ evidence concerning the human race: CHA VI

99. ‘ “ By speaking falsely in a cause concerning
 ‘ gold, he kills the born and the unborn; by speak-
 ‘ ing falsely concerning land, he kills every thing *ani-*
 ‘ *mated*: beware then of speaking falsely in a cause
 ‘ concerning land!

100. ‘ “ The sages have held false evidence concern-
 ‘ ing water, and the possession or enjoyment of wo-
 ‘ men, equal to false evidence concerning land; and
 ‘ it is equally criminal in causes concerning *pearls*
 ‘ *and other* precious things formed in water, and con-
 ‘ cerning all things made of stone.

101. ‘ “ Marking well all the murders which are com-
 ‘ prehended in the crime of perjury, declare thou the
 ‘ whole truth with precision, as *it was* heard, *and* as
 ‘ *it was* seen by thee.”

102. ‘ *Bráhmens*, who tend herds of cattle, who
 ‘ trade, who practise mechanical arts, who profess
 ‘ dancing and singing, who are hired servants or
 ‘ usurers, let the judge exhort and examine as if they
 ‘ were *Súdras*.

103. ‘ In some cases, a giver of false evidence from
 ‘ a pious motive, even though he know the truth, shall
 ‘ not lose a seat in heaven: such evidence wise men
 ‘ call the speech of the gods.

104. ‘ Whenever

HAP. 104. ' Whenever the death of a man, *who had not*
 VIII. ' *been a grievous offender*, either of the servile, the
 ' commercial, the military, or the sacerdotal class,
 ' would be occasioned by true evidence, *from the known*
 ' *rigour of the king, even though the fault arose from*
 ' *inadvertence or errour*, falsehood may be spoken: it
 ' is even preferable to truth.

105. ' Such *witnesses* must offer, as oblations to
 ' SARASWATÍ, cakes of rice and milk addressed to the
 ' goddess of speech; and thus will they fully expiate
 ' that venial sin of benevolent falsehood:

106. ' Or such a *witness* may pour clarified butter
 ' into the holy fire, according to the sacred rule,
 ' hallowing it with the texts called *cúshmandá*, or with
 ' those which relate to VARUNA, beginning with *ud*;
 ' or with the three texts appropriated to the water-
 ' gods.

107. ' A MAN who labours not under illness, yet
 ' comes not to give evidence in cases of loans and
 ' the like, within three fortnights *after due summons*,
 ' shall take upon himself the whole debt, and pay a
 ' tenth part of it as a fine *to the king*.

108. ' The witness, who has given evidence, and
 ' to whom, within seven days after, a *misfortune* hap-
 ' pens *from* disease, fire, or the death of a kinsman,
 ' shall be condemned to pay the debt and a fine.

109. ' IN cases, where no witness can be had, be-
 ' tween two parties opposing each other, the judge
 ' may

‘ may acquire a knowledge of the truth by the oath of the parties; *or* if he cannot *otherwise* perfectly ascertain it. CHA VIII

110. ‘ By the *seven* great *Rishis*, and by the deities themselves, have oaths been taken, for the purpose of judicial proof; and even VASISHT’HA, *being accused* by VISWA’MITRA of murder, took an oath before the king SUDA’MAN, son of PIYAVANA.

111. ‘ Let no man of sense take an oath in vain, *that is, not in a court of justice*, on a trifling occasion; for the man, who takes an oath in vain, shall be punished in this life and in the next:

112. ‘ To women, however, at a time of dalliance, or on a proposal of marriage, in the case of grass or fruit eaten by a cow, of wood taken for a sacrifice, or of a promise made for the preservation of a *Bráhmén*, it is no deadly sin to take a light oath.

113. ‘ Let the judge cause a priest to swear by his veracity; a soldier, by his horse, or elephant, and his weapons; a merchant, by his kine, grain, and gold; a mechanick or servile man, by *imprecating on his own head, if he speak falsely*, all possible crimes;

114. ‘ Or, *on great occasions*, let him cause the party to hold fire, or to dive under water, or severally to touch the heads of his children and wife:

115. ‘ He, whom the blazing fire burns not, whom the water soon forces not up, or who meets with no speedy

HAP. ' speedy misfortune, must be held veracious in his
 ' III. ' testimony on oath.

116. ' Of the sage VATSA, whom his younger *half-*
 ' brother formerly attacked, *as the son of a servile*
 ' *woman*, the fire, which pervades the world, burned
 ' not even a hair, by reason of his perfect veracity.

117. ' WHENEVER false evidence has been given in
 ' any suit, the king must reverse the judgment; and
 ' whatever has been done, must be considered as
 ' undone.

118. ' Evidence, given from covetousness, from dis-
 ' traction of mind, from terroure, from friendship, from
 ' lust, from wrath, from ignorance, and from inatten-
 ' tion, must be held invalid.

119. ' THE distinctions of punishment for a false wit-
 ' ness, from either of those motives, I will propound
 ' fully and in order :

120. ' If he speak falsely through covetousness, he
 ' shall be fined a thousand *panas*; if through distrac-
 ' tion of mind, *two hundred and fifty*, or the lowest
 ' amercement; if through terroure, two mean amerce-
 ' ments; if through friendship, four times the lowest;

121. ' If through lust, ten times the lowest amerce-
 ' ment; if through wrath, three times the next, *or*
 ' *middlemost*; if through ignorance, two hundred com-
 ' plete; if through inattention, a hundred only.

122. ' Learned men have specified these punish-
 ' ments,

ments, *which were* ordained by sage legislators for
 perjured witnesses, with a view to prevent a failure
 of justice and to restrain iniquity. CHA VIII

123. ' Let a just prince banish men of the three
 lower classes, if they give false evidence, having first
 levied the fine; but a *Bráhmén* let him only banish.

124. ' MENU, son of the Self-existent, has named ten
 places of punishment, which are appropriated to the
 three lower classes; but a *Bráhmén* must depart
 from the realm unhurt *in any one of them* :

125. ' The part of generation, the belly, the tongue,
 the two hands, and, fifthly, the two feet, the eye,
 the nose, both ears, the property, and, *in a capital*
case, the whole body.

126. ' Let the king, having considered and ascer-
 tained the frequency of a similar offence, the place
 and time, the ability of the criminal *to pay or suffer*,
 and the crime itself, cause punishment to fall on those
 alone, who deserve it.

127. ' Unjust punishment destroys reputation during
 life, and fame after death; it even obstructs, in the
 next life, the path to heaven: unjust punishment,
 therefore, let the king by all means avoid.

128. ' A king, who inflicts punishment on such as
 deserve it not, and inflicts no punishment on such
 as deserve it, brings infamy on himself, while he
 lives, and shall sink, when he dies, to a region of
 torment.

AP. 129. ' First, let him punish by gentle admonition ;
 II. ' afterwards, by harsh reproof; thirdly, by deprivation
 ' of property; after that, by corporal pain :

130. ' But, when even by corporal punishment he
 ' cannot restrain such offenders, let him apply to them
 ' all the four modes with rigour.

131. ' THOSE names of copper, silver, and gold
 ' weights, which are commonly used among men, for
 ' the purpose of worldly business, I will now compre-
 ' hensively explain.

132. ' The very small mote, which may be discerned
 ' in a sun-beam passing through a lattice, is the least
 ' visible quantity, and men call it a *trasarénu* :

133. ' Eight of those *trasarénu*s are supposed equal
 ' in weight to one minute poppy-seed; three of those
 ' seeds are equal to one black mustard-seed; and
 ' three of those last, to a white mustard-seed :

134. ' Six white mustard-seeds are equal to a mid-
 ' dle-sized barley-corn; three such barley-corns to one
 ' *racticà*, or seed of the *Gunjà*; five *racticàs* of gold
 ' are one *másha*, and sixteen such *máshas*, one *su-*
 ' *verna* ;

135. ' Four *suvernas* make a *pala* ; ten *palas*, a *dha-*
 ' *rana* ; but two *racticàs* of silver, weighed together,
 ' are considered as one *máshaca* ;

136. ' Sixteen of those *máshacas* are a silver *dharana*,
 ' or *purána* ; but a *carsha*, or eighty *racticàs* of cop-
 ' per, is called a *pana* or *cárshápána*.

' 137. ' Ten

137. ‘ Ten *dharanas* of silver are known by the name of a *satamāna*; and the weight of four *suvernas* has also the appellation of a *nishca*.

138. ‘ Now two hundred and fifty *panas* are declared to be the first *or lowest* amercement; five hundred of them are considered as the mean; and a thousand, as the highest.

139. ‘ A DEBT being admitted by the defendant, he must pay five in the hundred, *as a fine to the king*; but, if it be denied *and proved*, twice as much: this law was enacted by MENU.

140. ‘ A LENDER of money may take, in addition to his capital, the interest allowed by VASISHT’HA, *that is*, an eightieth part of a hundred, *or one and a quarter*, by the month, *if he have a pledge*;

141. ‘ Or, *if he have no pledge*, he may take two in the hundred *by the month*, remembering the duty of good men: for, by *thus* taking two in the hundred, he becomes not a sinner for gain.

142. ‘ He may thus take *in proportion to the risk*, *and* in the direct order of the classes, two in the hundred *from a priest*, three *from a soldier*, four *from a merchant*, and five *from a mechanick or servile man*, but never more, as interest by the month.

143. ‘ If he take a beneficial pledge, *or a pledge to be used for his profit*, he must have no other interest on the loan; nor, after a great length of
212 ‘ time,

- AP. ' time, or when the profits have amounted to the debt,
 II. ' can he give or sell such a pledge, though he may
 ' assign it in pledge to another.

144. ' A pledge to be kept only must not be used
 ' by force, that is, against consent: the pawnee so
 ' using it must give up his whole interest, or must
 ' satisfy the pawner, if it be spoiled or worn out, by
 ' paying him the original price of it; otherwise, he
 ' commits a theft of the pawn.

145. ' Neither a pledge without limit, nor a de-
 ' posit, are lost to the owner by lapse of time: they
 ' are both recoverable, though they have long re-
 ' mained with the bailee.

146. ' A milch cow, a camel, a riding-horse, a bull
 ' or other beast, which has been sent to be tamed for
 ' labour, and other things used with friendly assent,
 ' are not lost by length of time to the owner.

147. ' In general, whatever chattel the owner sees
 ' enjoyed by others for ten years, while, though pre-
 ' sent, he says nothing, that chattel he shall not
 ' recover:

148. ' If he be neither an idiot, nor an infant under
 ' the full age of fifteen years, and if the chattel be
 ' adversely possessed in a place where he may see
 ' it, his property in it is extinct by law, and the
 ' adverse possessor shall keep it.

149. ' A pledge, a boundary of land, the property
 ' of an infant, a deposit either open or in a chest
 ' sealed,

‘ sealed, female slaves, the wealth of a king, and
 ‘ of a learned *Bráhmén*, are not lost in consequence
 ‘ of adverse enjoyment. CH
 V.

150. ‘ The fool, who secretly uses a pledge without,
 ‘ *though not against*, the assent of the owner, shall give
 ‘ up half of his interest, as a compensation for such
 ‘ use.

151. ‘ INTEREST on money, received at once, *not*
 ‘ *month by month, or day by day, as it ought*, must
 ‘ never be more than enough to double the debt, *that*
 ‘ *is, more than the amount of the principal paid at the*
 ‘ *same time*: on grain, on fruit, on wool or hair, on
 ‘ beasts of burden, *lent to be paid in the same kind of*
 ‘ *equal value*, it must not be more than enough to
 ‘ make the debt quintuple.

152. ‘ Stipulated interest beyond the legal rate, and
 ‘ different from the *preceding* rule, is invalid; and the
 ‘ wise call it an usurious way of *lending*: the lender
 ‘ is entitled *at most* to five in the hundred.

153. ‘ Let no lender *for a month, or for two or*
 ‘ *three months, at a certain interest*, receive *such* inte-
 ‘ rest beyond the year; nor any interest, which is
 ‘ unapproved; nor interest upon interest *by previous*
 ‘ *agreement*; nor monthly interest exceeding in time
 ‘ the amount of the principal; nor interest exacted
 ‘ from a debtor, *as the price of the risk, when there*
 ‘ *is no publick danger or distress*; nor immoderate
 ‘ profits from a pledge to be used by way of interest.

154. ‘ He,

IAP. 154. ' He, who cannot pay the debt *at the fixed*
III. ' *time*, and wishes to renew the contract, may renew
' it in writing, *with the creditor's assent*, if he pay all
' the interest then due;

155. ' But if, *by some unavoidable accident*, he can-
' not pay the whole interest, he may insert *as prin-*
' *cipal* in the renewed contract so much of the inte-
' rest accrued as he ought to pay.

156. ' A lender at interest on *the risk of* safe car-
' riage, who has agreed on the place and time, shall
' not receive such interest, if *by accident* the goods
' are not carried to the place, or within the time.

157. ' Whatever interest, or *price of the risk*, shall
' be settled *between the parties*, by men well acquainted
' with sea-voyages or journies by land, with times
' and with places, such interest shall have legal force.

158. ' THE man, who becomes surety for the appear-
' ance of a debtor in this world, and produces him
' not, shall pay the debt out of his own property;

159. ' But money, due by a surety, or idly promised
' *to musicians and actresses*, or lost at play, or due
' for spirituous liquors, or what remains unpaid of a
' fine or toll, the son *of the surety or debtor* shall not
' *in general* be obliged to pay:

160. ' Such is the rule in cases of a surety for ap-
' pearance *or good behaviour*; but, if a surety for pay-
' ment should die, the judge may compel even his
' heirs to discharge the debt.

161. ' On

161. ' On what account then is it, that, after the CH
' death of a surety other than for payment, the cre- VI
' ditor may *in one case* demand the debt of *the heir*,
' all the affairs of the deceased being known and
' proved?

162. ' If the surety had received money from the
' debtor, and had enough to pay the debt, the son
' of him, who so received it, shall discharge the debt
' out of his *inherited* property: this is a sacred ordi-
' nance.

163. ' A contract made by a person intoxicated or
' insane, or grievously disordered, or wholly depen-
' dent, by an infant or a decrepit old man, or *in the*
' *name of another* by a person without authority, is
' utterly null.

164. ' That plaint can have no effect, though it may
' be supported by evidence, which contains a cause
' of action inconsistent with positive law or with set-
' tled usage.

165. ' When the judge discovers a fraudulent pledge
' or sale, a fraudulent gift and acceptance, or in what-
' ever other case he detects fraud, let him annul the
' whole transaction.

166. ' If the debtor be dead, and if the money bor-
' rowed was expended for the use of his family, it
' must be paid by that family, divided or undivided,
' out of their own estate.

167. ' Should even a slave make a contract *in the*
' *name*

HAP. ' *name of his absent master* for the behoof of the
 VIII. ' family, that master, whether in his own country or
 ' abroad, shall not rescind it.

168. ' What is given by force *to a man who cannot*
 ' *accept it legally*, what is by force enjoyed, by force
 ' caused to be written, and all other things done by
 ' force *or against free consent*, MENU has pronounced
 ' void.

169. ' Three are troubled by means of others, *name-*
 ' *ly*, witnesses, sureties, and inspectors of causes, and
 ' four collect wealth slowly, *with benefit to others*, a
 ' *Bráhmén*, a money-lender, a merchant, and a king.

170. ' Let no king, how indigent soever, take any
 ' thing which ought not to be taken; nor let him,
 ' how wealthy soever, decline taking that which he
 ' ought to take, be it ever so small:

171. ' By taking what ought not to be taken, and
 ' by refusing what ought to be received, the king be-
 ' trays his own weakness, and is lost both in this
 ' world and in the next;

172. ' But by taking his due, by administering jus-
 ' tice, and by protecting the weak, the king augments
 ' his own force, and is exalted in the next world and
 ' in this.

173. ' Therefore, let the king, like YAMA, resigning
 ' what may be pleasing or unpleasing to himself, live
 ' by the strict rules of YAMA, his anger being repress-
 ' ed, and his organs kept in subjection.

174. ' That

174. ' That evil-minded king, who, through infatuation, decides causes with injustice, his enemies, CHA VII
 ' *through the disaffection of his people*; quickly reduce
 ' to a state of dependence;

175. ' But him, who subduing both lust and wrath,
 ' examines causes with justice, his people naturally
 ' seek, as rivers the ocean.

176. ' THE debtor, who complains before the king,
 ' that his creditor has recovered the debt by his own
 ' legal act, *as before-mentioned*, shall be compelled by
 ' the king to pay a quarter of the sum *as a fine*, and
 ' the creditor shall be left in possession of his own.

177. ' Even by personal labour shall the debtor pay
 ' what is adjudged, if he be of the same class with
 ' the creditor, or of a lower; but a debtor of a higher
 ' class must pay it *according to his income* by little
 ' and little.

178. ' By this system of rules let the king decide,
 ' with equal justice, all disputes between men oppos-
 ' ing each other, having ascertained the truth by
 ' evidence or the oaths of the parties.

179. ' A SENSIBLE man should make a deposit with
 ' some person of high birth, and of good morals, well
 ' acquainted with law, habitually veracious, having a
 ' large family, wealthy and venerable.

180. ' Whatever thing, and in whatever manner, a
 ' person shall deposit in the hands of another, the
 ' same thing, and in the same manner, ought to be

HAP. ' received back by the owner : as the delivery was,
VIII. ' so *must be* the receipt.

181. ' He, who restores not to the depositor, on his
' request, what has been deposited, may first be tried
' by the judge *in the following manner*, the depositor
' himself being absent.

182. ' On failure of witnesses, let the judge actually
' deposit gold, *or precious things*, with the defendant,
' by the artful contrivance of spies, who have passed
' the age of childhood, and whose persons are en-
' gaging :

183. ' Should the defendant restore that deposit in
' the maimer and shape, in which it was bailed *by the*
' *spies*, there is nothing in his hands, for which others
' can justly accuse him ;

184. ' But if he restore not the gold, *or precious*
' *things*, as he ought, to those emissaries, let him be
' apprehended and compelled to pay the value of both
' deposits : this is a settled rule.

185. ' A deposit, whether sealed up or not, should
' never be redelivered, while the depositor is alive, to
' his heir apparent or presumptive : both sorts of de-
' posits, indeed, are extinct, *or cannot be demanded by*
' *the heir*, if the depositor die, *in that case* ; but not,
' unless he die, *for, should the heir apparent keep them,*
' *the depositor himself may sue the bailee* :

186. ' But, if a depositary by his own free act shall
' deliver a deposit to the heir of a deceased bailor,
' he

‘ he must not be harassed *with claims of a similar* CHAP
 ‘ *kind*, either by the king, or by that heir : VIII.

187. ‘ And, *if similar claims be made*, the king must
 ‘ decide the questions after friendly admonition, *with-*
 ‘ *out having recourse to artifice*; for, the honest dis-
 ‘ position of the man being proved, the judge must
 ‘ proceed with mildness.

188. ‘ Such is the mode of ascertaining the right
 ‘ in all these cases of a deposit: in the case of a
 ‘ deposit sealed up, the bailee shall incur no censure
 ‘ *on the redelivery*, unless he have *altered the seal or*
 ‘ taken out something.

189. ‘ If a deposit be seized by thieves, *or destroyed*
 ‘ *by vermine*, or washed away by water, or consumed
 ‘ by fire, the bailee shall not be obliged to make it
 ‘ good, unless he took part of it for himself.

190. ‘ The defendant, who denies a deposit, and the
 ‘ plaintiff, who asserts it, let the king try by all sorts
 ‘ of expedients, and by the modes of ordeal pre-
 ‘ scribed in the *Véda*.

191. ‘ He who restores not a thing really deposited,
 ‘ and he, who demands what he never bailed, shall both,
 ‘ *for a second offence*, be punished as thieves, *if gold,*
 ‘ *pearls, or the like be demand:d*; or, *in the case of a*
 ‘ *trifling demand*, shall pay a fine equal to the value
 ‘ of the thing claimed:

192. ‘ *For the first offence*, the king should compel

CHAP. ' a fraudulent depositary, without any distinction be-
 VIII. ' tween a deposit under seal or open, to pay a fine
 ' equal to its value.

193. ' That man, who, by false pretences, gets into
 ' his hands the goods of another, shall, together with
 ' his accomplices, be punished by various degrees of
 ' *whipping or mutilation, or even by death.*

194. ' *Regularly*, a deposit should be produced, the
 ' same in kind and quantity as it was bailed, by the
 ' same and to the same person, by whom and from
 ' whom it was received, and before the same com-
 ' pany *who were witnesses to the deposit*: he who pro-
 ' duces it in a different manner, ought to be fined;

195. ' But a thing, privately deposited, should be
 ' privately restored by and to the person, by and
 ' from whom it was received: as the bailment *was*,
 ' so *should be* the delivery, *according to a rule in the*
 ' *Véda.*

196. ' Thus let the king decide causes concerning
 ' a deposit, or a friendly loan for use, without show-
 ' ing rigour to the depositary.

197. ' HIM, who sells the property of another man,
 ' without the assent of the owner, the judge shall
 ' not admit as a competent witness, but shall treat
 ' as a thief, who pretends that he has committed no
 ' theft:

198. ' If, indeed, he be a near kinsman of the
 ' owner,

‘ owner, he shall be fined six hundred *panas*; but, CHA
‘ if he be neither his kinsman nor a claimant under VIII
‘ him, he commits an offence equal to larceny.

199. ‘ A gift or sale, thus made by any other than
‘ the true owner, must, by a settled rule, be con-
‘ sidered, in judicial proceedings, as not made.

200. ‘ Where occupation *for a time* shall be proved,
‘ but no sort of title shall appear, *the sale cannot be*
‘ *supported*: title, not occupation, is essential to its
‘ support; *and this rule also* is fixed.

201. ‘ He, who has received a chattel, by purchase
‘ in open market, *before a number of men*, justly ac-
‘ quires the absolute property, by having paid the
‘ price of it, *if he can produce the vendor*;

202. ‘ But, if the vendor be not producible, and the
‘ vendee prove the publick sale, the latter must be dis-
‘ missed by the king without punishment; and the
‘ former owner, who lost the chattel, may take it
‘ *back on paying the vendee half its value.*

203. ‘ One commodity, mixed with another, shall
‘ never be sold as *unmixed*; nor a bad commodity
‘ *as good*; nor less *than agreed on*; nor any thing kept
‘ at a distance or concealed, *lest some defect in it*
‘ *should be discovered.*

204. ‘ If, after one damsel has been shown, another
‘ be offered to the bridegroom, *who had purchased*
‘ *leave to marry her from her next kinsman*, he may
‘ become

CHAP. ' become the husband of both for the same price :
 VIII. ' this law MENU ordained.

205. ' The kinsman, who gives a damsel in marriage, having first openly told her blemishes, whether she be insane, or disordered with elephantiasis, or defiled by connexion with a man, shall suffer no punishment.

206. ' If an officiating priest, actually engaged in a sacrifice, abandon his work, a share only, in proportion to his work done, shall be given to him by his partners in the business, *out of their common pay* :

207. ' But, if he discontinue his work *without fraud*, after the time of giving the sacrificial fees, he may take his full share, and cause what remains to be performed by another priest.

208. ' Where, on the performance of solemn rites, a specifick fee is ordained for each part of them, shall he alone, who performs that part, receive the fee, or shall all the priests take the perquisites jointly?

209. ' *At some holy rites*, let the reader of the *Yajurveda* take the car, and the *Brahmá*, or superintending priest, the horse; or, *on another occasion*, let the reader of the *Rigveda* take the horse, and the chanter of the *Sámvéda* receive the carriage, in which the purchased materials of the sacrifice had been brought.

210. ' *A hun-*

210. ‘ *A hundred cows being distributable among sixteen priests, the four chief, or first set, are entitled to near half, or forty-eight; the next four, to half of that number; the third set, to a third part of it; and the fourth set, to a quarter:*

211. ‘ According to this rule, *or in proportion to the work*, must allotments of shares be given to men here below, who, *though* in conjunction, perform their several parts of the business.

212. ‘ SHOULD money or goods be given, *or promised as a gift*, by one man to another, who asks it for some religious act, the gift shall be void, if that act be not afterwards performed:

213. ‘ If the money be delivered, and the receiver, through pride or avarice, refuse *in that case* to return it, he shall be fined one *suverna* by the king, as a punishment for his theft.

214. ‘ Such, as here declared; is the rule ordained for withdrawing what has been given: I will, next, propound the law for non-payment of wages.

215. ‘ THAT hired servant or workman, who, not from any disorder but from indolence, fails to perform his work according to his agreement, shall be fined eight *racticàs*, and his wages or hire shall not be paid.

216. ‘ But, if he be really ill, and, when restored to health, shall perform his work according to his
‘ original

HAP. ' original bargain, he shall receive his pay even for a
 VIII. ' very long time :

217. ' Yet, whether he be sick or well, if the work
 ' stipulated be not performed *by another for him or by*
 ' *himself*, his whole wages are forfeited, though the
 ' work want but a little of being complete.

218. ' This is the general rule concerning work un-
 ' dertaken for wages or hire : next, I will fully declare
 ' the law concerning such men as break their pro-
 ' mises.

219. ' THE man, among the traders and other inha-
 ' bitants of a town or district, who breaks a promise
 ' through avarice, though he had taken an oath to
 ' perform it, let the king banish from his realm :

220. ' Or, *according to circumstances*, let the judge,
 ' having arrested the promise-breaker, condemn him
 ' to pay six *nishcas*, or four *suvernas*, or one *satamána*
 ' of silver, *or all three if he deserve such a fine*.

221. ' Among all citizens, and in all classes, let a
 ' just king observe this rule for imposing fines on men,
 ' who shall break their engagements.

222. ' A MAN, who has bought or sold any thing in
 ' this world, *that has a fixed price, and is not perish-*
 ' *able, as land or metals*, and wishes to rescind the
 ' contract, may give or take back such a thing within
 ' ten days ;

223. ' But, after ten days, he shall neither give nor
 ' take

‘ take it back: the giver or the taker, *except by con-* CHA
 ‘ *sent*, shall be fined by the king six hundred *panas*. VIII

224. ‘ The king himself shall take a fine of ninety-
 ‘ six *panas* from him, who gives a blemished girl in
 ‘ *marriage for a reward*, without avowing her blemish:

225. ‘ But the man, who, through malignity, says
 ‘ of a damsel, that she is no virgin, shall be fined a
 ‘ hundred *panas*, if he cannot prove her defilement.

226. ‘ The holy nuptial texts are applied solely to
 ‘ virgins, and no where on earth to girls, who have lost
 ‘ their virginity; since those women are *in general*
 ‘ excluded from legal ceremonies:

227. ‘ The nuptial texts are a certain rule in regard
 ‘ to wedlock, and the bridal contract is known by
 ‘ the learned to be complete *and irrevocable* on the
 ‘ seventh step of the married pair, hand in hand, after
 ‘ those texts have been pronounced.

228. ‘ By this law, in all business whatever here
 ‘ below, must the judge confine, within the path of
 ‘ rectitude, a person inclined to rescind his contract of
 ‘ sale and purchase.

229. ‘ I now will decide exactly, according to prin-
 ‘ ciples of law, the contests usually arising from the
 ‘ fault of such as own herds of cattle, and of such
 ‘ as are hired to keep them.

230. ‘ By day the blame falls on the herdsman; by
 ‘ night on the owner, *if the cattle he fed and kept in*

CHAP. ' his own house; but, if the place of their food and
VIII. ' custody be different, the keeper incurs the blame.

231. ' That hired servant whose wages are paid
' with milk, may, with the assent of the owner, milk
' the best cow out of ten: such are the wages of
' herdsmen, unless they be paid in a different mode.

232. ' The herdsman himself shall make good the
' loss of a beast, which through his want of due care
' has strayed, has been destroyed by reptiles, or kil-
' led by dogs, or has died by falling into a pit;

233 ' But he shall not be compelled to make it
' good, when robbers have carried it away, if, after
' fresh proclamation and pursuit, he give notice to his
' master in a proper place and season.

234. ' When cattle die, let him carry to his master
' their ears, their hides, their tails, the skin below
' their navels, their tendons, and the liquor exuding
' from their foreheads: let him also point out their
' limbs.

235. ' A flock of goats or of sheep being attacked
' by wolves, and the keeper not going *to repel the*
' *attack*, he shall be responsible for every one of
' them, which a wolf shall violently kill;

236. ' But, if any one of them, while they graze
' together near a wood, and the shepherd keeps them
' in order, shall be suddenly killed by a wolf spring-
' ing on it, he shall not in that case be responsible.

237. ' On

237. ' On all sides of a village or small town, let
' a space be left for pasture, in breadth either four
' hundred cubits, or three casts of a large stick; and
' thrice that space found a city or considerable
' town: CHAP VIII.

238. ' Within that pasture ground, if cattle do any
' damage to grain in a field uninclosed with a hedge,
' the king shall not punish the herdsman.

239. ' Let the owner of the field enclose it with a
' hedge of *thorny plants*, over which a camel could
' not look; and let him stop every gap, through
' which a dog or a boar could thrust his head.

240. ' Should cattle, attended by a herdsman, do
' mischief near a highway, in an enclosed field or
' near the village, he shall be fined a hundred *panas*;
' but against cattle which have no keeper, let the
' owner of the field secure it.

241. ' In other fields, the *owner of cattle doing mis-*
' *chief* shall be fined one *pana* and a quarter; but,
' in all places, the *value of the damaged* grain must
' be paid: such is the fixed rule concerning a hus-
' bandman.

242. ' For damage by a cow before ten days have
' passed since her calving, by bulls kept for impreg-
' nation, and by cattle consecrated to the deity,
' whether attended or unattended, MENU has ordained
' no fine.

243. ' If land be injured, by the fault of the farmer
2 L 2 ' himself

HAP. ' himself, *as if he fails to sow it in due time*, he shall
 VIII. ' be fined ten times as much as the *king's share of*
 ' *the crop, that might otherwise have been raised*; but
 ' only five times as much, if it was the fault of his
 ' servants without his knowledge.

244. ' These rules let a just prince observe in all
 ' cases of transgression by masters, their cattle, and
 ' their herdsmen.

245. ' If a contest arise between two villages, *or*
 ' *landholders*, concerning a boundary, let the king, *or*
 ' *his judge* ascertain the limits in the month of
 ' *Jyaishṭha*, when the landmarks are seen more dis-
 ' tinctly.

246. ' *When boundaries first are established*, let strong
 ' trees be planted on them, *Vutas, Pippalas, Palásas,*
 ' *Sálmālis, Sālas or Tālas*; or such trees (*like the Udum-*
 ' *bara or Vajradru*) as abound in milk;

247. ' Or clustering shrubs, or *Vénus* of different
 ' sorts, or *Sami*-trees, and creepers, or *Saras*, and
 ' clumps of *Cubjacus*: and mounds of earth should be
 ' raised on them, so that the landmark may not
 ' easily perish:

248. ' Lakes and wells, pools and streams, ought
 ' also to be made on the common limits, and tem-
 ' ples dedicated to the gods.

249. ' The persons concerned, reflecting on the per-
 ' petual trespasses committed by men here below
 ' through

‘ through ignorance of boundaries, should cause other
‘ landmarks to be concealed *under ground*: CHAP VIII.

250. ‘ Large pieces of stone, bones, tails of cows,
‘ bran, ashes, potsherds, dried cow-dung, bricks and
‘ tiles, charcoal, pebbles, and sand,

251. ‘ And substances of all sorts, which the earth
‘ corrodes not even in a long time, should be placed
‘ *in jurs* not appearing *above ground* on the common
‘ boundary.

252. ‘ By such marks, or by the course of a stream,
‘ and long continued possession, the judge may ascer-
‘ tain the limit between the lands of two parties in
‘ litigation.

253. ‘ Should there be a doubt, even on the in-
‘ spection of those marks, recourse must be had, for
‘ the decision of such a contest, to the declarations
‘ of witnesses.

254. ‘ Those witnesses must be examined concern-
‘ ing the landmarks, in the presence of all the towns-
‘ men or villagers, or of both the contending parties:

255. ‘ What the witnesses, thus assembled and in-
‘ terrogated, shall positively declare concerning the
‘ limits, must be recorded in writing, together with
‘ all their names.

256. ‘ Let them, putting earth on their heads, wear-
‘ ing chaplets of red flowers and clad in red mantles,
‘ be sworn by *the reward of* all their several good
‘ actions,

HAP. actions, to give correct evidence concerning the metes
VIII. and bounds.

257. ' Veracious witnesses, who give evidence as
' the law requires, are absolved from their sins; but
' such, as give it unjustly, shall each be fined two
' hundred *panas*.

258. ' If there be no witnesses, let four men, who
' dwell on all the four sides of the two villages, make
' a decision concerning the boundary, being duly pre-
' pared, *like the witnesses*, in the presence of the
' king.

259. ' If there be no such neighbours on all sides,
' nor any men, whose ancestors had lived there since
' the villages were built, nor other inhabitants of
' towns, who can give evidence on the limits, the
' judge must examine the following men, who inhabit
' the woods ;

260. ' Hunters, fowlers, herdsman, fishers, diggers
' for roots, catchers of snakes, gleaners, and other
' foresters :

261. ' According to their declaration, when they are
' duly examined, let the king with precision order
' landmarks to be fixed on the boundary line between
' the two villages.

262. ' As to the bounds of arable fields, wells or
' pools, gardens and houses, the testimony of next
' neighbours on every side must be considered as the
' best means of decision :

263. ' Should

263. ‘ Should the neighbours say any thing untrue, when two men dispute about a landmark, the king shall make each of those witnesses pay the middlemost of the three usual amercements.

264. ‘ He, who, by means of intimidation, shall possess himself of a house, a pool, a field, or a garden, shall be fined five hundred *panas*; but only two hundred, if he trespassed through ignorance of the right.

265. ‘ If the boundary cannot be otherwise ascertained, let the king, knowing what is just, *that is, without partiality, and* consulting the future benefit of both parties, make a bound-line between their lands: this is a settled law.

266. ‘ Thus has the rule been propounded for decisions concerning landmarks: I, next, will declare the law concerning defamatory words.

267. ‘ A SOLDIER, defaming a priest, shall be fined a hundred *panas*; a merchant, *thus offending*, an hundred and fifty, or two hundred; but, *for such an offence*, a mechanick or servile man shall be whipped.

268. ‘ A priest shall be fined fifty,* if he slander a soldier; twenty-five, if a merchant; and twelve, if he slander a man of the servile class.

269. ‘ For abusing one of the same class, a twice-born man shall be fined only twelve; but for ribaldry

* See Note on Book VIII. verse 268.

HAP. ' dry not to be uttered, even that *and every fine* shall
 III. ' be doubled.

270. ' A once-born man, who insults the twice-born
 ' with gross invectives, ought to have his tongue slit;
 ' for he sprang from the lowest part of *BRAHMA*':

271. ' If he mention their names and classes with
 ' contumely, *as if he say " Oh DE'VADATTA, thou*
 ' *refuse of Bráhmens,*" an iron style, ten fingers long,
 ' shall be thrust red hot into his mouth.

272. ' Should he, through pride, give instruction to
 ' priests concerning their duty, let the king order
 ' some hot oil to be dropped into his mouth and his
 ' ear.

273. ' He, who falsely denies, through insolence, the
 ' sacred knowledge, the country, the class, or the
 ' corporeal investiture *of a man equal in rank*, shall
 ' be compelled to pay a fine of two hundred *panas*.

274. ' If a man call another blind with one eye, or
 ' lame, or defective in any similar way, he shall pay
 ' the small fine of one *pana*, even though he speak
 ' truth.

275. ' He shall be fined a hundred, who defames
 ' his mother, his father, his wife, his brother, his son,
 ' or his preceptor; and he, who gives not his precep-
 ' tor the way.

276. ' For *mutual* abuse by a priest and a soldier,
 ' this fine must be imposed by a learned king; the
 ' lowest

‘ lowest amercement on the priest, and the middle-
 ‘ most on the soldier. CHAP. VIII.

277. ‘ Such exactly, *as before-mentioned*, must be
 ‘ the punishment of a merchant and a mechanick, in
 ‘ respect of their several classes, except the slitting
 ‘ of the tongue : this is a fixed rule of punishment.

278. ‘ Thus fully has the law been declared for the
 ‘ punishment of defamatory speech : I will, next, pro-
 ‘ pound the established law concerning assault and
 ‘ battery.

279. ‘ With whatever member a low-born man shall
 ‘ assault or hurt a superiour, even that member of
 ‘ his must be slit, *or cut more or less in proportion to*
 ‘ *the injury* : this is an ordinance of MENU.

280. ‘ He, who raises his hand or a staff against ano-
 ‘ ther, shall have his hand cut ; and he, who kicks
 another in wrath, shall have an incision made in his
 ‘ foot.

281. ‘ A man of the lowest class, who shall inso-
 ‘ lently place himself on the same seat with one of
 ‘ the highest, shall either be banished with a mark
 ‘ on his hinder parts, or the king shall cause a gash
 ‘ to be made on his buttock :

282. ‘ Should he spit on him through pride, the
 ‘ king shall order both his lips to be gashed ; should
 ‘ he urinate on him, his penis ; should he break wind
 ‘ against him, his anus.

283. ‘ If he seize the *Bráhlmen* by the locks, or by

CHAP. ' the feet, or by the beard, or by the throat, or by
VIII. ' the scrotum, let the king without hesitation cause
' incisions to be made in his hands.

284. ' If any man scratch the skin *of his equal in*
' *class*, or fetch blood *from him*, he shall be fined a
' hundred *panas*; if he wound a muscle, six *nishcas*;
' but, if he break a bone, let him be instantly ba-
' nished.

285. ' ACCORDING to the use and value of all great
' trees, must a fine be set for injuring them: this is
' an established rule.

286. ' IF a blow, attended with much pain, be given
' either to human creatures or cattle, the king shall
' inflict on the striker a punishment as heavy as the
' presumed suffering.

287. ' IN all cases of hurting a limb, wounding, or
' fetching blood, the assailant shall pay the expence
' of a perfect cure; or, *on his failure*, both full da-
' mages and a fine to the same amount.

288. ' HE, who injures the goods of another, whe-
' ther acquainted or unacquainted with the owner of
' them, shall give satisfaction to the owner, and pay
' a fine to the king equal to the damage.

289. ' If injury be done to leather or to leathern
' bags, or to utensils made of wood or clay, the fine
' shall be five times their value.

290. ' THE wise reckon ten occasions, in regard to
' a carriage

‘ a carriage, its driver, and its owner, on which the
 ‘ fine is remitted ; on other occasions a fine is ordained
 ‘ by law :

CHAP.
VIII.

291. ‘ The nose-cord or bridle being cut, *by some*
 ‘ *accident without negligence*, or the yoke being snap-
 ‘ ped, on a sudden overturn, or running against any
 ‘ thing *without fault*, the axle being broken, or the
 ‘ wheel cracked ;

292. ‘ On the breaking of the thongs, of the halter,
 ‘ or of the reins, and when the driver has called aloud
 ‘ to make way, *on these occasions* has MENU declared
 ‘ that no fine shall be set :

293. ‘ But, where a carriage has been overturned
 ‘ by the unskilfulness of the driver, there, in the
 ‘ case of any hurt, the master shall be fined two
 ‘ hundred *panas*.

294. ‘ If the driver be skilful, *but negligent*, the
 ‘ driver alone shall be fined ; and those in the carriage
 ‘ shall be fined each a hundred, if the driver be
 ‘ clearly unskilful.

295. ‘ Should a driver, being met in the way by
 ‘ another carriage or by cattle, kill any animal *by his*
 ‘ *negligence*, a fine shall, without doubt, be imposed
 ‘ *by the following rule* :

296. ‘ For killing a man, a fine, equal to that for
 ‘ theft, shall be instantly set ; half that amount, for
 ‘ large brute animals, as for a bull or cow, an ele-
 ‘ phant, a camel, or a horse ;

HAP. 297. ' For killing very young cattle, the fine shall
 VIII. ' be two hundred *panas*; and fifty, for elegant qua-
 ' drupeds or beautiful birds, as *antelopes, parrots, and*
 ' *the like*;

298. ' For an ass, a goat, or a sheep, the fine
 ' must be five silver *máshas*; and one *másha*, for kil-
 ' ling a dog or a boar.

299. ' A WIFE, a son, a servant, a pupil, and a
 ' *younger* whole brother, may be corrected, when they
 ' commit faults, with a rope or the small shoot of
 ' a cane;

300. ' But on the back part only of their bodies,
 ' and not on a noble part by any means: he who
 ' strikes them otherwise than by this rule, incurs the
 ' guilt, *or shall pay the fine*, of a thief.

301. ' This law of assault and battery has been
 ' completely declared: I proceed to declare the rule
 ' for the settled punishment of theft.

302. ' IN restraining thieves and robbers, let the
 ' king use extreme diligence; since, by restraining
 ' thieves and robbers, his fame and his domain are
 ' increased.

303. ' Constantly, no doubt, is that king to be ho-
 ' noured, who bestows exemption from fear; since he
 ' performs, *as it were*, a perpetual sacrifice, giving
 ' exemption from fear as a constant sacrificial present.

304. ' A sixth part of *the reward for* virtuous deeds,
 ' performed

‘ performed by the whole people, belongs to the king, who protects them; but, if he protect them not, a sixth part of their iniquity lights on him. CHAP. VIII.

305. ‘ *Of the reward for* what every subject reads in the *Véda*, for what he sacrifices, for what he gives in charity, for what he performs in worship, the king justly takes a sixth part in consequence of protection.

306. ‘ A king, who acts with justice in defending all creatures, and slays only those, who ought to be slain, performs, *as it were*, each day a sacrifice with a hundred thousand gifts;

307. ‘ But a king, who gives no such protection, yet receives taxes in kind or in value, market duties and tolls, the small daily presents for his household, and fines for offences, falls directly on *his death* to a region of horror.

308. ‘ That king, who gives no protection, yet takes a sixth part of the grain as his revenue, wise men have considered as a prince, who draws to him the foulness of all his people.

309. ‘ Be it known, that a monarch, who pays no regard to the scriptures, who denies a future state, who acts with rapacity, who protects not his people, yet swallows up their possessions, will sink low indeed *after death*.

310. ‘ WITH great care and by three methods let him

P. ' him restrain the unjust; by imprisonment, by con-
 I. ' finement in fetters, and by various kinds of corporal
 ' punishment;

311. ' Since, by restraining the bad, and by en-
 ' couraging the good, kings are perpetually made pure,
 ' as the twice-born are purified by sacrificing.

312. ' A KING, who seeks benefit to his own soul,
 ' must always forgive parties litigant, children, old
 ' men, and sick persons, who inveigh against him:

313. ' He, who forgives persons in pain, when they
 ' abuse him, shall on that account be exalted in
 ' heaven; but he, who excuses them not, through the
 ' pride of dominion, shall for that reason sink into
 ' hell.

314. ' The stealer of *gold from a priest* must run
 ' hastily to the king, with loosened hair, proclaiming
 ' the theft, and adding: " Thus have I sinned;
 ' punish me."

315. ' He must bear on his shoulder a pestle of stone,
 ' or a club of *c'hadira*-wood, or a javelin pointed at
 ' both ends, or an iron mace:

316. ' Whether the king strike him with it, or dis-
 ' miss him unhurt, the thief is then absolved from
 ' the crime; but the king, if he punish him not, shall
 ' incur the guilt of the thief.

317. ' *The killer of a priest*, or destroyer of an
 ' embryo, casts his guilt on the *willing* eater of his
 ' provisions;

‘ provisions ; an adulterous wife, on her *negligent* CHAP.
 ‘ husband ; a bad scholar and sacrificer, on their VIII.
 ‘ *ignorant* preceptor ; and a thief, on the *forgiving*
 ‘ prince :

. 318. ‘ But men, who have committed offences, and
 ‘ have received from kings the punishment due to them,
 ‘ go pure to heaven, and become as clear as those
 ‘ who have done well.

319. ‘ HE, who steals the rope or the water-pot
 ‘ from a well, and he, who breaks down a cistern,
 ‘ shall be fined a *másha* of gold ; and that, *which*
 ‘ *he has taken or injured*, he must restore to its
 ‘ former condition.

320. ‘ Corporal punishment shall be inflicted on him,
 ‘ who steals more than ten *cumbhas* of grain (a *cum-*
 ‘ *bha* is twenty *drónas*, and a *dróna*, two hundred
 ‘ *palas*) : for less he must be fined eleven times as
 ‘ much, and shall pay to the owner the amount of
 ‘ his property.

321. ‘ So shall corporal punishment be inflicted for
 ‘ stealing commodities usually sold by weight, or
 ‘ more than a hundred head of cattle, or gold, or
 ‘ silver, or costly apparel :

322. ‘ For stealing more than fifty *palas*, it is enact-
 ‘ ed that a hand shall be amputated : for less, the
 ‘ king shall set a fine eleven times as much as the
 ‘ value.

323. ‘ For

IAP. 323. ' For stealing men of high birth, and women
 III. ' above all, and the most precious gems, *as diamonds*
 ' *or rubies*, the thief deserves capital punishment.

324. ' For stealing large beasts, weapons, or medicines, let the king inflict *adequate* punishment,
 ' considering the time and the act.

325. ' For taking kine belonging to priests, and
 ' boring their nostrils, or for stealing their other
 ' cattle, the offender shall instantly lose half of one
 ' foot.

326. ' For stealing thread, raw cotton, materials to
 ' make spirituous liquor, cow-dung, molasses, curds,
 ' milk, butter-milk, water, or grass,

327. ' Large canes, baskets of canes, salt of every
 ' kind, earthen pots, clay or ashes,

328. ' Fish, birds, oil, or clarified butter, flesh-meat,
 ' honey, or any thing, *as leather, horn, or ivory*, that
 ' came from a beast,

329. ' Or other things not precious, or spirituous
 ' liquors, rice dressed with clarified butter, or other
 ' messes of boiled rice, the fine must be twice the
 ' value of the commodity stolen.

330. ' For stealing *as much as a man can carry* of
 ' flowers, green corn, shrubs, creepers, small trees,
 ' or other vegetables, enclosed by a hedge, the fine
 ' shall be five *ratticàs* of gold or silver;

331. ' But for corn, pot-herbs, roots, and fruit, un-
 ' enclosed

‘ enclosed by a fence, the fine is an hundred *panas*,
 ‘ if there be no sort of relation *between the taker*
 ‘ *and the owner*; or half a hundred, if there be such
 ‘ relation. CHAP. VIII.

332. ‘ If the taking be violent, and in the sight of
 ‘ the owner, it is robbery; if privately in his absence,
 ‘ it is only theft; and *it is considered as theft*, when
 ‘ a man, having received any thing, refuses to give
 ‘ it back.

333. ‘ On him, who steals the before-mentioned
 ‘ things, when they are prepared for use, let the
 ‘ king set the lowest amercement *of the three*; and
 ‘ *the same* on him, who steals only fire from the
 ‘ temple.

334. ‘ With whatever limb a thief commits the of-
 ‘ fence by any means in this world, *as if he break a*
 ‘ *wall with his hand or his foot*, even that limb shall
 ‘ the king amputate, for the prevention of a similar
 ‘ crime.

335. ‘ NEITHER a father, nor a preceptor, nor a
 ‘ friend, nor a mother, nor a wife, nor a son, nor
 ‘ a domestick priest, must be left unpunished by the
 ‘ king, if they adhere not with firmness to their
 ‘ duty.

336. ‘ WHERE another man of lower birth would
 ‘ be fined one *pana*, the king shall be fined a thou-
 ‘ sand, *and he shall give the fine to the priests, or*
 ‘ *cast it into the river*: this is a sacred rule.

CHAP. 337. ' But the fine of a *Súdra* for theft shall be
VIII. ' eight-fold; that of a *Vaisya*, sixteen-fold; that of a
' *Cshatriya*, two and thirty-fold.

338. ' That of a *Bráhmen*, four and sixty-fold; or a
' hundred-fold complete, or even twice four and
' sixty-fold; each of them knowing the nature of his
' offence.

339. ' The taking of roots and fruit from a large
' tree, *in a field or a forest* unenclosed, or of wood
' for a sacrificial fire, or of grass to be eaten by
' cows, MENU has pronounced no theft.

340. ' A PRIEST who willingly receives any thing,
' either for sacrificing or for instructing, from the
' hand of a man who had taken what the owner had
' not given, shall be *punished* even as the thief.

341. ' A twice-born man, who is travelling, and
' whose provisions are scanty, shall not be fined, for
' taking only two sugar canes, or two esculent roots,
' from the field of another man.

342. ' He, who ties the unbound, or looses the
' bound, *cattle of another*, and he, who takes a slave, a
' horse, or a carriage *without permission*, shall be
' punished as for theft.

343. ' A king, who by *enforcing* these laws restrains
' men from committing theft, acquires in this world
' fame, and, in the next, beatitude.

344. ' LET not the king, who ardently desires a
' seat

‘ seat with INDRA, and wishes for glory, which no- CHAP.
 ‘ thing can change or diminish, endure for a moment VIII.
 ‘ the man, who has committed atrocious violence, as
 ‘ *by robbery, arson, or homicide.*

345. ‘ He, who commits great violence, must be con-
 ‘ sidered as a more grievous offender than a defamer,
 ‘ a thief, or a striker with a staff:

346. ‘ That king, who endures a man convicted of
 ‘ such atrocity, quickly goes to perdition, and incurs
 ‘ publick hate.

347. ‘ Neither on account of friendship, nor for the
 ‘ sake of great lucre, shall the king dismiss the per-
 ‘ petrators of violent acts, who spread terrour among
 ‘ all creatures.

348. ‘ THE twice-born may take arms, when their
 ‘ duty is obstructed by force; and when, in some
 ‘ evil time, a disaster has befallen the twice-born
 ‘ classes;

349. ‘ And in their own defence; and in a war for
 ‘ just cause; and in defence of a woman or a priest:
 ‘ he, who kills justly, commits no crime.

350. ‘ Let a man, without hesitation, slay another,
 ‘ *if he cannot otherwise escape*, who assails him with
 ‘ intent to murder, whether young or old, or his pre-
 ‘ ceptor, or a *Bráhmén* deeply versed in the scrip-
 ‘ ture.

351. ‘ By killing an assassin, who attempts to kill,
 ‘ whether

HAP. · whether in publick or in private, no crime is com-
VIII. · mitted by the slayer: fury recoils upon fury

352. ‘ MEN, who commit overt-acts of adulterous in-
‘ clinations for the wives of others, let the king
‘ banish from his realm, having punished them with
‘ such bodily marks, as excite aversion;

353. ‘ Since adultery causes, to the general ruin,
‘ a mixture of classes among men: thence arises viola-
‘ tion of duties; and thence is the root of felicity
‘ quite destroyed.

354. ‘ A man before noted for such an offence, who
‘ converses in secret with the wife of another, shall
‘ pay the first of the three usual amercements;

355. ‘ But a man, not before noted, who thus con-
‘ verses with her for some reasonable cause, shall
‘ pay no fine; since in him there is no transgression.

356. ‘ He, who talks with the wife of another man
‘ at a place of pilgrimage, in a forest or a grove, or
‘ at the confluence of rivers, incurs the guilt of an
‘ adulterous inclination:

357. ‘ To send her flowers or perfumes, to sport
‘ and jest with her, to touch her apparel and orna-
‘ ments, to sit with her on the same couch, are held
‘ adulterous acts on his part;

358. ‘ To touch a married woman on *her breasts or*
‘ any *other* place, which ought not to be touched, or,
‘ being

‘ being touched unbecomingly by her, to bear it com- CHAP.
 ‘ placently, are adulterous acts with mutual assent. VIII.

359. ‘ A man of the servile class, who commits
 ‘ actual adultery with the wife of a priest, ought to
 ‘ suffer death; the wives, indeed, of all the four
 ‘ classes must ever be most especially guarded.

360. ‘ Mendicants, encomiasts, men prepared for a
 ‘ sacrifice, and *cooks and other* artisans, are not pro-
 ‘ hibited from speaking to married women.

361. ‘ Let no man converse, after he has been for-
 ‘ bidden, with the wives of others: he, who thus con-
 ‘ verses, *after a husband or father has forbidden him*,
 ‘ shall pay a fine of one *suverna*.

362. ‘ These laws relate not to the wives of publick
 ‘ dancers or singers, or of such base men, as live by
 ‘ intrigues of their wives; men, who either carry
 ‘ women to others, or, lying concealed at home, per-
 ‘ mit them to hold a culpable intercourse:

363. ‘ Yet he, who has a private connexion with such
 ‘ women, or with servant-girls kept by one master, or
 ‘ with female anchorets *of an heretical religion*, shall
 ‘ be compelled to pay a small fine.

364. ‘ He, who vitiates a damsel without her con-
 ‘ sent, shall suffer corporal punishment instantly; but
 ‘ he, who enjoys a willing damsel, shall not be cor-
 ‘ porally punished, if his class be the same with hers.

365. ‘ From a girl, who makes advances to a man
 ‘ of

HAP. ' of a high class, let not the king take the smallest
 VIII. ' fine; but her, who first addresses a low man, let him
 ' constrain to live in her house well guarded.

366. ' A low man, who makes love to a damsel of
 ' high birth, ought to be punished corporally; but he,
 ' who addresses a maid of equal rank, shall give the
 ' nuptial present *and marry her*, if her father please.

367. ' OF the man, who through insolence forcibly
 ' contaminates a damsel, let the king instantly order
 ' two fingers to be amputated, and condemn him to
 ' pay a fine of six hundred *panas*:

368. ' A man of equal rank, who defiles a consenting
 ' damsel, shall not have his fingers amputated, but
 ' shall pay a fine of two hundred *panas*, to restrain
 ' him from a repetition of his offence.

369. ' A damsel, polluting another damsel, must be
 ' fined two hundred *panas*, pay the double value of
 ' her nuptial present, and receive ten lashes with a
 ' whip;

370. ' But a woman, polluting a damsel, shall have
 ' her head instantly shaved, and two of her fingers
 ' chopped off; and shall ride, mounted on an ass,
 ' *through the publick street*.

371. ' SHOULD a wife proud of her family and the
 ' great qualities of her kinsmen, actually violate the
 ' duty, which she owes to her lord, let the king con-
 ' demn her to be devoured by dogs in a place much
 ' frequented;

372. ' And

372. ‘ And let him place the adulterer on an iron bed well heated, under which the executioners shall throw logs continually, till the sinful wretch be there burned *to death*. CHAP. VIII.

373. ‘ OF a man once convicted, and a year after guilty of *the same crime*, the fine must be doubled; so it must, if he be connected with the daughter of an outcast or with a *Chándálí* woman.

374. ‘ A mechanick or servile man, having an adulterous connexion with a woman of a twice-born class, whether guarded at home or unguarded, *shall thus be punished*: if she was unguarded, *he* shall lose the part *offending*, and his whole substance; if guarded, and a priestess, every thing, *even his life*.

375. ‘ *For adultery with a guarded priestess*, a merchant shall forfeit all his wealth after imprisonment for a year; a soldier shall be fined a thousand *panas*, and be shaved with *the urine of an ass*:

376. ‘ But, if a merchant or soldier commit adultery with a woman of the sacerdotal class, whom her husband guards not at home, the king shall only fine the merchant five hundred, and the soldier a thousand:

377. ‘ Both of them, however, if they commit that offence with a priestess *not only guarded but eminent for good qualities*, shall be punished like men of the servile class, or be burned in a fire of dry grass or reeds.

378. ‘ A *Bráhmén*,

AP. 378. ' A *Bráhmén*, who carnally knows a guarded
 II. ' woman without her free will, must be fined a thou-
 ' sand *panas* ; but only five hundred if he knew her
 ' with her free consent.

379. ' Ignominious tonsure is ordained, instead of
 ' capital punishment, for an adulterer of the priestly
 ' class, where the punishment of other classes may
 ' extend to loss of life.

380. ' Never shall the king slay a *Bráhmén*, though
 ' convicted of all possible crimes : let him banish the
 ' offender from his realm, but with all his property
 ' secure, and his body unnurt :

381. ' No greater crime is known on earth than
 ' slaying a *Bráhmén* ; and the king, therefore, must
 ' not even form in his mind an idea of killing a priest.

382. ' If a merchant converse criminally with a
 ' guarded woman of the military, or a soldier with
 ' one of the mercantile class, they both deserve the
 ' same punishment as in the case of a priestess un-
 ' guarded :

383. ' But a *Bráhmén*, who shall commit adultery
 ' with a guarded woman of those two classes, must
 ' be fined a thousand *panas* ; and, for the like offence
 ' with a guarded woman of the servile class, the fine
 ' of a soldier or a merchant shall be also one thou-
 ' sand.

384. ' For adultery with a woman of the military
 ' class, if unguarded, the fine of a merchant is five
 ' hundred ;

‘ hundred ; but a soldier, *for the converse of that of-* CHAP.
‘ *fence*, must be shaved with urine, or pay the fine VIII.
‘ *just mentioned.*

385. ‘ A priest shall pay five hundred *panas* if he
‘ connect himself criminally with an unguarded woman
‘ of the military, commercial, or servile class; and a
‘ thousand, *for such a connexion with* a woman of a vile
‘ *mixed breed.*

386. ‘ THAT king, in whose realm lives no thief, no
‘ adulterer, no defamer, no man guilty of atrocious
‘ violence, and no committer of assaults, attains the
‘ mansion of SACRA.

387. ‘ By suppressing those five in his dominion, he
‘ gains royalty paramount over men of the same kingly
‘ rank, and spreads his fame through the world.

388. ‘ THE sacrificer, who forsakes the officiating
‘ priest, and the officiating priest, who abandons the
‘ sacrificer, each being able to do his work, and guilty
‘ of no grievous offence, must each be fined a hundred
‘ *panas.*

389. ‘ A mother, a father, a wife, and a son shall
‘ not be forsaken: he, who forsakes either of them,
‘ unless guilty of a deadly sin, shall pay six hundred
‘ *panas* as a fine to the king.

390. ‘ LET not a prince, who seeks the good of his
‘ own soul, *hastily and alone* pronounce the law, on
‘ a dispute concerning any legal observance, among
‘ twice-born men in their several orders,

AP. 391. ' *But* let him, after giving them due honour
 I. ' according to their merit, and, at first, having soothed
 ' them by mildness, apprise them of their duty with
 ' the assistance of *Bráhmens*.

392. ' THE priest, who gives an entertainment to
 ' twenty men of the three first classes, without invit-
 ' ing his next neighbour, and his neighbour next but
 ' one, if both be worthy of an invitation, shall be
 ' fined one *másha* of silver.

393. ' A *Bráhmen* of deep learning in the *Véda* who
 ' invites not another *Bráhmen*, both learned and vir-
 ' tuous, to an entertainment *given on some occasion* re-
 ' lating to his wealth, *as the marriage of his child,*
 ' *and the like*, shall be made to pay him twice the
 ' value of the repast, and be fined a *másha* of gold.

394. ' NEITHER a blind man, nor an idiot, nor a
 ' cripple, nor a man full seventy years old, nor one
 ' who confers great benefits on priests of eminent
 ' learning, shall be compelled by any *king* to pay
 ' taxes.

395. ' Let the king always do honour to a learned
 ' theologian, to a man either sick or grieved, to a
 ' little child, to an aged or indigent man, to a man
 ' of exalted birth, and to a man of distinguished
 ' virtue.

396. ' LET a washerman wash *the* clothes of *his* em-
 ' ployers by little and little, or *piece by piece*, and
 ' not hastily, on a smooth board of *Sálmali*-wood: let
 ' him

‘ him never mix *the* clothes of one person with the
 ‘ clothes of another, nor suffer any but the owner to
 ‘ wear them. CHAP. VIII.

397. ‘ LET a weaver, who has received ten *palas* of
 ‘ cotton-thread, give them back increased to eleven
 ‘ by the rice-water and the like used in weaving: he,
 ‘ who does otherwise, shall pay a fine of twelve *panas*.

398. ‘ As men versed in cases of tolls, and acquaint-
 ‘ ed with all marketable commodities, shall establish
 ‘ the price of saleable things, let the king take a
 ‘ twentieth part of *the profit on sales* at that price.

399. ‘ Of the trader, who, through avarice, exports
 ‘ commodities, of which the king justly claims the
 ‘ pre-emption, or on which he has laid an embargo,
 ‘ let the sovereign confiscate the whole property.

400. ‘ Any seller or buyer, who *fraudulently* passes
 ‘ by the toll-office at *night* or any other improper time,
 ‘ or who makes a false enumeration of *the articles*
 ‘ bought, shall be fined eight times as much as their
 ‘ value.

401. ‘ Let the king establish rules for the sale and
 ‘ purchase of all marketable things, having duly con-
 ‘ sidered whence they come, *if imported*; and, *if ex-*
 ‘ *ported*, whither they must be sent; how long they
 ‘ have been kept; what may be gained by them; and
 ‘ what has been expended on them.

402. ‘ Once in five nights, or at the close of every
 ‘ half month, *according to the nature of the commo-*
 ‘ *dities,*

HAP. ' *dities*, let the king make a regulation for market
VIII. ' prices in the presence of those *experienced men* :

403. ' Let all weights and measures be well ascer-
' tained by him ; and once in six months let him re-
' examine them.

404. ' The toll at a ferry is one *pana* for an empty
' cart ; half a *pana*, for a man with a load ; a quarter,
' for a beast used in agriculture, or for a woman ;
' and an eighth, for an unloaded man.

405. ' Waggon, filled with goods packed up, shall
' pay toll in proportion to their value ; but for empty
' vessels and bags, and for *poor* men ill-apparelled, a
' very small toll shall be demanded.

406. ' For a long passage, the freight must be pro-
' portioned to places and times ; but this must be
' understood of passages up and down rivers : at sea
' there can be no settled freight.

407. ' A woman, who has been two months preg-
' nant, a religious beggar, a forester in the third
' order, and *Bráhmens*, who are students in theology,
' shall not be obliged to pay toll for their passage.

408. ' Whatever shall be broken in a boat, by the
' fault of the boatmen, shall be made good by those
' men collectively, each paying his portion.

409. ' This rule, ordained for such as pass rivers
' in boats, relates to the culpable neglect of boat-
' men on the water : in the case of inevitable acci-
' dent, there can be no damages recovered.

410. ' THE

410. ' THE king should order each man of the mercantile class to practise trade, or money-lending, or agriculture and attendance on cattle; and each man of the servile class to act in the service of the twice-born.

411. ' Both him of the military, and him of the commercial class, if distressed for a livelihood, let some wealthy *Bráhmén* support, obliging them without harshness to discharge their several duties.

412. ' A *Bráhmén*, who, by his power and through avarice, shall cause twice-born men, girt with the sacrificial thread, to perform servile acts, *such as washing his feet*, without their consent, shall be fined by the king six hundred *panas*;

413. ' But a man of the servile class whether bought or unbought, he may compel to perform servile duty; because such a man was created by the Self-existent for the purpose of serving *Bráhméns*:

414. ' A *Súdra*, though emancipated by his master, is not released from a state of servitude; for of a state, which is natural to him, by whom can he be divested?

415. ' THERE are servants of seven sorts; one made captive under a standard *or in battle*, one maintained in consideration of service, one born of a female slave in the house, one sold, or given, or inherited

IAP. ' inherited from ancestors, and one enslaved by way
 III. ' of punishment *on his inability to pay a large fine.*

416. ' Three persons, a wife, a son, and a slave, are declared by law to have *in general* no wealth exclusively their own: the wealth, which they may earn, is *regularly* acquired for the man, to whom they belong.

417. ' A *Brāhmen* may seize without hesitation, *if he be distressed for a subsistence*, the goods of his *Sūdra* slave; for, as that slave can have no property, his master may take his goods.

418. ' With vigilant care should the king exert himself in compelling merchants and mechanicks to perform their respective duties; for, when such men swerve from their duty, they throw this world into confusion.

419. ' Day by day must the king, *though engaged in forensick business*, consider the great objects of publick measures, and inquire into the state of his carriages, *elephants, horses, and cars*, his constant revenues and necessary expences, his mines of *precious metals or gems*, and his treasury:

420. ' Thus, bringing to a conclusion all these weighty affairs, and removing *from his realm and from himself* every taint of sin, a king reaches the supreme path of beatitude.'

CHAP. IX.

On the same ; and on the Commercial and Servile Classes.

1. ‘ I now will propound the immemorial duties of
‘ man and woman, who must both remain firm in the
‘ legal path, whether united or separated. CHA IX

2. ‘ Day and night must women be held by their
‘ protectors in a state of dependence ; but in *lawful*
‘ *and innocent* recreations, though rather addicted to
‘ them, they may be left at their own disposal.

3. ‘ Their fathers protect them in childhood ;
‘ their husbands protect them in youth ; their sons
‘ protect them in age : a woman is never fit for in-
‘ dependence.

4. ‘ Reprehensible is the father, who gives not his
‘ daughter in marriage at the proper time ; and the
‘ husband, who approaches not his wife in due season ;
‘ reprehensible also is the son, who protects not his
‘ mother after the death of her lord.

5. ‘ Women must, above all, be restrained from the
‘ smallest illicit gratification ; for, not being thus re-
‘ strained, they bring sorrow on both families :

6. ‘ Let husbands consider this as the supreme law
‘ ordained for all classes ; and let them, how weak
‘ soever,

AP. ' soever, diligently keep their wives under lawful re-
' strictions ;

7. ' For he who preserves his wife *from vice*, pre-
' serves his offspring *from suspicion of hastardy*, his
' ancient usages *from neglect*, his family *from disgrace*,
' himself *from anguish*, and his duty *from violation*.

8. ' The husband, after conception by his wife, be-
' comes himself an embryo, and is born a second
' time here below ; for which reason the wife is called
' *jáyá*, since by her (*jáyaté*) he is born again :

9. ' Now the wife brings forth a son endued with
' similar qualities to those of the father ; so that,
' with a view to an excellent offspring, he must vi-
' gilantly guard his wife.

10. ' No man, indeed, can wholly restrain women
' by violent measures ; but, by these expedients, they
' may be restrained :

11. ' Let the husband keep his wife employed in
' the collection and expenditure of wealth, in purifi-
' cation and female duty, in the preparation of daily
' food, and the superintendence of household uten-
' sils.

12. ' By confinement at home, even under affec-
' tionate and observant guardians, they are not se-
' cure ; but those women are truly secure, who are
' guarded by their own good inclinations.

13. ' Drinking *spirituous liquor*, associating with
' evil

‘ evil persons, absence from her husband, rambling
 ‘ abroad, unseasonable sleep, and dwelling in the
 ‘ house of another, are six faults which bring infamy
 ‘ on a married woman; CH.
 IX

14. ‘ Such *women* examine not beauty, nor pay at-
 ‘ tention to age; whether *their lover be* handsome or
 ‘ ugly, they think it is enough that he is a man, and
 ‘ pursue their pleasures.

15. ‘ Through their passion for men, their mutable
 ‘ temper, their want of settled affection, and their per-
 ‘ verse nature (let them be guarded in this world
 ‘ ever so well), they soon become alienated from their
 ‘ husbands.

16. ‘ Yet should their-husbands be diligently care-
 ‘ ful in guarding them; though they well know the
 ‘ disposition, with which the lord of creation formed
 ‘ them :

17. ‘ MENU allotted to such women a love of their
 ‘ bed, of their seat, and of ornament, impure appe-
 ‘ tites, wrath, weak flexibility, desire of mischief,
 ‘ and bad conduct.

18. ‘ Women have no business with the texts of the
 ‘ *Véda* ; thus is the law fully settled : having, therefore,
 ‘ no evidence of *law*, and no *knowledge of* expiatory
 ‘ texts, sinful women must be as foul as falsehood
 ‘ itself; and this is a fixed rule.

19. ‘ To this effect many texts, which may show
 2 P ‘ their

IAP. ' their true disposition, are chanted in the *Védas*: hear
IX. ' now their expiation for sin.

20. ' " That pure blood which my mother defiled
' by adulterous desire, frequenting the houses of other
' men, and violating her duty to her lord, that blood
' may my father purify!" Such is the tenour of the
' holy text, *which her son, who knows her guilt, must*
' *pronounce for her*;

21. ' *And* this expiation has been declared for every
' unbecoming thought, which enters her mind, con-
' cerning infidelity to her husband; since that *is the*
' *beginning of adultery*.

22. ' Whatever be the qualities of the man, with
' whom a woman is united by lawful marriage, such
' qualities even she assumes; like a river *united* with
' the sea.

23. ' ACSHAMA'LA', a woman of the lowest birth,
' being thus united to VASISHT'HA, and SA'RANGÍ', being
' united to MANDAPA'LA, were entitled to very high
' honour:

24. ' These, and other females of low birth, have
' attained eminence in this world by the respective
' good qualities of their lords.

25. ' Thus has the law, ever pure, been propounded
' for the civil conduct of men and women: hear, next,
' the laws concerning children, by obedience to which
' may happiness be attained in this and the future
' life.

26. ' WHEN

• 26. ‘ WHEN good women, united with husbands in CHA
 ‘ expectation of progeny, eminently fortunate and wor- IX.
 ‘ thy of reverence, irradiate the houses of their lords,
 ‘ between them and goddesses of abundance there
 ‘ is no diversity whatever.

27. ‘ The production of children, the nurture of
 ‘ them, when produced, and the daily superintendence
 ‘ of domestick affairs are peculiar to the wife :

28. ‘ From the wife alone proceed offspring, good
 ‘ household management, solicitous attention, most ex-
 ‘ quisite caresses, and that heavenly beatitude which
 ‘ she obtains for the manes of ancestors, and for *the*
 ‘ *husband* himself.

29. ‘ She, who deserts not her lord, but keeps in
 ‘ subjection to him her heart, her speech, and her
 ‘ body, shall attain his man on in heaven, and, by
 ‘ the virtuous in this world, be called *Sádhvī*, or *good*
 ‘ and *faithful* ;

30. ‘ But a wife, by disloyalty to her husband,
 ‘ shall incur disgrace in this life, and be born *in the*
 ‘ *next* from the womb of a shakal, or be tormented
 ‘ with horrible diseases, which punish vice.

31. ‘ LEARN now that excellent law, universally sa-
 ‘ lutary, which was declared, concerning issue, by great
 ‘ and good sages formerly born.

32. ‘ They consider the male issue of a woman as
 ‘ the son of the lord ; but, on the subject of that
 ‘ lord, a difference of opinion is mentioned in the

HAP. ' *Vēda*; some giving that name to the real procreator
 IX. ' of the child, and others applying it to the married
 ' possessor of the woman.

33. ' The woman is considered in law as the field,
 ' and the man as the grain: now vegetable bodies are
 ' formed by the united operation of the seed and the
 ' field.

34. ' In some cases the prolific power of the male
 ' is chiefly distinguished; in others, the receptacle of
 ' the female; but, when both are equal in dignity,
 ' the offspring is most highly esteemed:

35. ' In general, as between the male and female
 ' powers of procreation, the male is held superiour;
 ' since the offspring of all procreant beings is distin-
 ' guished by marks of the male power.

36. ' Whatever be the quality of seed, scattered in
 ' a field prepared in due season, a plant of the same
 ' quality springs in that field, with peculiar visible
 ' properties.

37. ' Certainly this earth is called the primeval
 ' womb of many beings; but the seed exhibits not in
 ' its vegetation any properties of the womb.

38. ' On earth here below, even in the same
 ' ploughed field, seeds of many different forms, hav-
 ' ing been sown by husbandmen in the proper season,
 ' vegetate according to their nature:

39. ' Rice-plants, *mature in sixty days, and those,*
 ' *which*

‘ which require transplantation, mudga, tila, másha, barley, leaks, and sugar-canes, all spring up according to the seeds.

40. ‘ That one plant should be sown, and another produced, cannot happen: whatever seed may be sown, even that produces its proper stem.

41. ‘ Never must it be sown in another man’s field by him, who has natural good sense, who has been well instructed, who knows the *Véda* and its *Angas*, who desires long life:

42. ‘ They who are acquainted with past times, have preserved, on this subject, holy strains chanted by every breeze, *declaring*, that “ seed must not be sown in the field of another man.”

43. ‘ As the arrow of that hunter is vain, who shoots it into the wound, which another had made just before in the antelope, thus instantly perishes the seed, which a man throws into the soil of another:

44. ‘ Sages, who know former times, consider this earth (*Prithiví*) as the wife of king PRITHU; and thus they pronounce cultivated land to be the property of him, who cut away the wood, *or who cleared and tilled it*; and the antelope, of the first hunter, who mortally wounded it.

45. ‘ Then only is a man perfect, when he consists of *three persons united*, his wife, himself, and his son; and thus have learned *Bráhmens* announced
‘ this

AP. ' though auth
 C. ' except when
 59. ' On fair
 ' of the servi
 ' procreated,
 ' sapinda, on
 ' thorized:

60. ' Sprinkl
 ' night, let th
 ' son, but a s
 ' childless wife

61. ' Some s
 ' women, think
 ' of that appoi
 ' birth of a sir
 ' and appointe
 ' second.

62. ' The firs
 ' tained accordi
 ' widow must
 ' daughter by

63. ' Either
 ' who deviates
 ' carnal desire,
 ' the bed of i

64. ' By me
 ' childless wife
 ' any other

E SAME; AND ON THE

e husband is even one person with
domestick and religious, not for all

sale nor desertion can a wife be
 husband: thus we fully acknow-
 lected of old by the Lord of crea-

partition of an inheritance made;
 given in marriage; and once does
 give:" these three are, by good
 or all *and irrevocably*.

ws, mares, female camels, slave-
 os, she-goats, and ewes, it is not
bull or other father, who owns
 in thus is it with the wives of

have no property in the field, but,
 their possession, sow it in soil
 , can receive no advantage what-
 n, which may be produced:

all beget a hundred calves on cows
 his master, those calves belong
 roprietors of the cows; and the
 ull was wasted:

who have no marital property in
 in the fields owned by others,
 it to the husbands; but the pro-
 no advantage from it.

52. ' Unless

52. ' Unless there be a special agreement between CHAI
 ' the owners of the land and of the seed, the fruit IX.
 ' belongs clearly to the land-owner; for the recepta-
 ' cle is more important than the seed:

53. ' But the owners of the seed and of the soil
 ' may be considered in this world as joint owners
 ' of the crop, which they agree, by special compact
 ' in consideration of the seed, to divide between
 ' them.

54. ' Whatever man owns a field, if seed, conveyed
 ' into it by water or wind, should germinate, the
 ' plant belongs to the land-owner: the mere sower
 ' takes not the fruit.

55. ' Such is the law concerning the offspring of
 ' cows, and mares, of female camels, goats, and
 ' sheep, of slave-girls, hens, and milch buffalos, *un-*
 ' *less there be a special agreement.*

56. ' THUS has the comparative importance of the
 ' soil and the seed been declared to you: I will
 ' next propound the law concerning women, who have
 ' no issue *by their husbands.*

57. ' The wife of an elder brother is considered as
 ' mother-in-law to the younger; and the wife of the
 ' younger as daughter-in-law to the elder:

58. ' The elder brother, amorously approaching the
 ' wife of the younger, and the younger, caressing
 ' the wife of the elder, are both degraded, even
 ' though

AP. ' though authorized *by the husband or spiritual guide*,
 C. ' except when such wife has no issue.

59. ' On failure of issue by the husband, *if he be*
 ' *of the servile class*, the desired offspring may be
 ' procreated, either by his brother or some other
 ' *sapinda*, on the wife, who has been duly au-
 ' thorized :

60. ' Sprinkled with clarified butter, silent, in the
 ' night, let the kinsman thus appointed beget one
 ' son, but a second by no means, on the widow *or*
 ' *childless wife* :

61. ' Some sages, learned in the laws concerning
 ' women, thinking it possible, that the great object
 ' of that appointment may not be obtained *by the*
 ' *birth of a single son*, are of opinion, that the wife
 ' and appointed kinsman may legally procreate a
 ' second.

62. ' The first object of the appointment being ob-
 ' tained according to law, both *the brother and the*
 ' *widow* must live together like a father and a
 ' daughter by affinity.

63. ' Either brother, appointed for this purpose,
 ' who deviates from the strict rule, and acts from
 ' carnal desire, shall be degraded, as having defiled
 ' the bed of his daughter-in-law, or of his father.

64. ' By men of twice-born classes no widow, *or*
 ' *childless wife*, must be authorized to conceive by
 ' any other than her lord; for they, who authorize
 ' her

‘ her to conceive by any other, violate the primeval law. CHAI IX.

65. ‘ Such a commission *to a brother or other near kinsman* is no where mentioned in the nuptial texts of the *Véda*; nor is the marriage of a widow even named in the laws concerning marriage.

66. ‘ This practice, fit only for cattle, is reprehended by learned *Bráhmens*; yet it is declared to have been the practice even of men, while *VE’NA* had sovereign power:

67. ‘ He, possessing the whole earth, and *thence only called* the chief of sage monarchs, gave rise to a confusion of classes, when his intellect became weak through lust.

68. ‘ Since his time the virtuous disapprove of that man, who, through delusion of mind, directs a widow *to receive the caresses of another* for the sake of progeny.

69. ‘ The damsel, *indeed*, whose husband shall die after troth verbally plighted, *but before consummation*, his brother shall take in marriage according to this rule:

70. ‘ Having espoused her in due form of law, she being clad in a white robe, and pure in her moral conduct, let him approach her once in each proper season, and until issue *be had*.

71. ‘ LET no man of sense, who has once given
2 q ‘ his

HAP. ' his daughter to a suitor, give her again to another;
 IX. ' for he, who gives away his daughter, whom he had
 ' before given, incurs the guilt and fine of speaking
 ' falsely in a cause concerning mankind.

72. ' EVEN though a man have married a young
 ' woman in legal form, yet he may abandon her, if
 ' he find her blemished, afflicted with disease, or pre-
 ' viously deflowered, and given to him with fraud:

73. ' If any man give a faulty damsel in marriage,
 ' without disclosing her blemish, the husband may
 ' annul that act of her ill-minded giver.

74. ' SHOULD a man have business abroad, let him
 ' assure a fit maintenance to his wife, and then reside
 ' *for a time* in a foreign country; since a wife, even
 ' though virtuous, may be tempted to act amiss, if
 ' she be distressed by want of subsistence:

75. ' While her husband, having settled her main-
 ' tenance, resides abroad, let her continue firm in
 ' religious austerities; but, if he leave her no support,
 ' let her subsist by *spinning and other* blameless
 ' arts.

76. ' If he live abroad on account of some sacred
 ' duty, let her wait for him eight years; if on ac-
 ' count of knowledge or fame, six; if on account of
 ' pleasure, three: *after those terms have expired, she*
 ' *must follow him.*

77. ' For a whole year let a husband bear with
 ' his wife, who treats him with aversion; but, after
 ' a year,

‘ a year, let him deprive her of her separate pro- CHAP
 ‘ perty, and cease to cohabit with her. IX.

78. ‘ She, who neglects her lord, though addicted
 ‘ to gaming, fond of spirituous liquors, or diseased,
 ‘ must be deserted for three months, and deprived
 ‘ of her ornaments and household furniture :

79. ‘ But she, who is averse from a mad husband,
 ‘ or a deadly sinner, or an eunuch, or one without
 ‘ manly strength, or one afflicted with such maladies
 ‘ as punish crimes, must neither be deserted nor
 ‘ stripped of her property.

80. ‘ A WIFE, who drinks any spirituous liquors,
 ‘ who acts immorally, who shows atred to *her lord*,
 ‘ who is *incurably* diseased, who is mischievous, who
 ‘ wastes his property, may at all times be superseded
 ‘ by another wife.

81. ‘ A barren wife may be superseded by another
 ‘ in the eighth year she, whose children are all dead,
 ‘ in the tenth ; she, who brings forth *only* daughters,
 ‘ in the eleventh ; she, who speaks unkindly, without
 ‘ delay ;

82. ‘ But she, who, though afflicted with illness, is
 ‘ beloved and virtuous, must never be disgraced, though
 ‘ she may be superseded by another wife with her
 ‘ own consent.

83. ‘ If a wife, legally superseded, shall depart in
 wrath from the house, she must either instantly be

, or abandoned in the presence of the whole

at she, who, having been forbidden, addicts to intoxicating liquor even at jubilees, or crowds at theatres, must be fined six *rac-gold*.

WHEN twice-born men take wives, both of their as and others, the precedence, honour, and n of those wives, must be settled according order of their classes:

all such married men, the wives of the ss only (not wives of a different class by ns) must perform the duty of personal at-, and the daily business relating to acts in;

r he, who foolishly causes those duties to rned by any other than his wife of the ss, when she is near at hand, has been im-ly considered as a mere *Chandála* begotten *dhmeni*.

an excellent and handsome youth of the ss, let every man give his daughter in mar-according to law; even though she have not her age of *eight years*:

ut it is better, that the damsel, though mar-e, should stay at home till her death, than should ever give her in marriage to a bride-roid of excellent qualities.

90. ' Three years let a damsel wait, though she be
' marriageable; but, after that term, let her chuse
' for herself a bridegroom of equal rank: CHAP.
IX.

91. ' If, not being given in marriage, she chuse her
' bridegroom, neither she, nor the youth chosen,
' commits any offence;

92. ' But a damsel, thus electing her husband, shall
' not carry with her the ornaments, which she re-
' ceived from her father, nor those given by her
' mother or brethren: if she carry them away, she
' commits theft.

93. ' He, who takes to wife a damsel of full age,
' shall not give a nuptial present to her father; since
' the father lost his dominion over her, by detaining
' her at a time, when she might have been a parent.

94. ' A man, aged thirty years, may marry a girl
' of twelve, *if he find one* dear to his heart; or a man
' of twenty-four years, a damsel of eight: but, if *he*
' *finish his studentship earlier, and* the duties of his
' *next order* would otherwise be impeded, let him
' marry immediately.

95. ' A wife, given by the gods, *who are named in*
' *the bridal texts*, let the husband receive and support
' constantly, if she be virtuous, though he married
' her not from inclination: such conduct will please
' the gods.

96. ' To be mothers, were women created; and to
' be fathers, men; religious rites, therefore are ordained
' in

AP. ' in the *Vēda* to be performed *by the husband* together with the wife.

97. ' If a nuptial gratuity has actually been given to a damsel, and he, who gave it, should die *before marriage*, the damsel shall be married to his brother, if she consent;

98. ' But even a man of the servile class ought not to receive a gratuity, when he gives his daughter in marriage; since a father, who takes a fee *on that occasion*, tacitly sells his daughter.

99. ' Neither ancients nor moderns, who were good men, have ever given a damsel in marriage, after she had been promised to another man;

100. ' Nor, even in former creations, have we heard *the virtuous approve* the tacit sale of a daughter for a price, under the name of a nuptial gratuity.

101. ' " Let mutual fidelity continue to death:" this, in few words, may be considered as the supreme law between husband and wife.

102. ' Let a man and woman, united by marriage, constantly beware, lest, at any time disunited, they violate their mutual fidelity.

103. ' Thus has been declared to you the law, abounding in the purest affection, for the conduct of man and wife; together with the practice of raising up offspring *to a husband of the servile class* on failure

‘ failure of issue by him begotten. learn now the law CHAP.
 ‘ of inheritance. IX.

104. ‘ AFTER the death of the father and the mother,
 ‘ the brothers being assembled, may divide among
 ‘ themselves the paternal *and maternal* estate; but
 ‘ they have no power over it, while their parents live,
 ‘ *unless the father chuse to distribute it.*

105. ‘ The eldest brother may take entire possession
 ‘ of the patrimony; and the others may live under
 ‘ him, as *they lived* under their father, *unless they chuse*
 ‘ *to be separated.*

106. ‘ By the eldest, at the moment of his birth,
 ‘ the father, having begotten a son, discharges his
 ‘ debt to his own progenitors; the eldest son, there-
 ‘ fore, ought *before partition* to manage the whole
 ‘ patrimony :

107. ‘ That son alone, by whose birth he dis-
 ‘ charges his debt, and through whom he attains im-
 ‘ mortality, was begotten from a sense of duty: all
 ‘ the rest are considered by the wise as begotten from
 ‘ love of pleasure.

108. ‘ Let the father alone support his sons; and
 ‘ the first-born, his younger brothers; and let them
 ‘ behave to the eldest, according to law, as children
 ‘ *should behave* to their father.

109. ‘ The first-born, *if virtuous*, exalts the family,
 ‘ or, *if vitious*, destroys it: the first-born is in this
 ‘ world

AP. ' world the most respectable; and the good never
K. ' treat him with disdain.

110. ' If an elder brother act, as an elder brother
' ought, he is *to be revered* as a mother, as a father;
' and, even if he have not the behaviour of a good
' elder brother, he should be respected as a *maternal*
' *uncle, or other kinsman.*

111. ' Either let them thus live together, or, if they
' desire *separately to perform* religious rites, let them
' live apart; since religious duties are multiplied in
' separate houses, their separation is, therefore, legal
' *and even laudable.*

112. ' The portion deducted for the eldest is a twen-
' tieth part *of the heritage*, with the best of all the
' chattels; for the middlemost, half of that, *or a for-*
' *tieth*; for the youngest, a quarter of it, *or an*
' *eightieth.*

113. ' The eldest and youngest respectively take their
' just mentioned portions; and, if there be more than
' one between them, each of the intermediate sons
' has the mean portion, *or the fortieth.*

114. ' Of all the goods collected let the first-born,
' *if he be transcendently learned and virtuous*, take the
' best article, whatever is most excellent in its kind,
' and the best of ten cows *or the like*:

115. ' But among brothers equally skilled in per-
' forming their several duties, there is no deduction
' of the best in ten, *or the most excellent chattel*;
' though

‘ though some trifle, as a mark of greater veneration, CHAP.
 ‘ should be given to the first-born. IX.

116. ‘ If a deduction be thus made, let equal shares
 ‘ of the residue be ascertained *and received*; but, if
 ‘ there be no deduction, the shares must be distri-
 ‘ buted in this manner :

117. ‘ Let the eldest have a double share, and the
 ‘ next-born, a share and a half, *if they clearly sur-*
 ‘ *pass the rest in virtue and learning*; the younger
 ‘ sons must have each a share: *if all be equal in*
 ‘ *good qualities, they must all take share and share*
 ‘ *alike.*

118. ‘ To the *unmarried* daughters *by the same mo-*
 ‘ *ther*, let their brothers give portions out of their
 ‘ own allotments respectively, *according to the classes*
 ‘ *of their several mothers*: let each give a fourth part
 ‘ of his own distinct share; and they, who refuse to
 ‘ give it, shall be degraded.

119. ‘ Let them never divide *the value of* a single
 ‘ goat or sheep, or a single beast with uncloven
 ‘ hoofs: a single goat or sheep *remaining after an*
 ‘ *equal distribution*, belongs to the first-born.

120. ‘ Should a younger brother, *in the manner be-*
 ‘ *fore mentioned*, have begotten a son on the wife of
 ‘ his *deceased* elder brother, the division must then be
 ‘ made equally *between that son, who represents the de-*
 ‘ *ceased, and his natural father*: thus is the law
 ‘ settled.

HAP. 121. ' The representative is not *so far* wholly substituted by law in the place of the *deceased* principal, *as to have the portion of an elder son*; and the principal became a father in consequence of the procreation *by his younger brother*; the son, therefore, is entitled by law to an equal share, *but not to a double portion*.

122. ' A younger son being born of a first married wife, after an elder son had been born of a wife last married, *but of a lower class*, it may be a doubt in that case, how the division shall be made:

123. ' Let the son, born of the elder wife, take one most excellent bull deducted from the inheritance; the next excellent bulls are for those, who *were born first*, but are inferior on account of their mothers, *who were married last*.

124. ' A son, indeed, who was first born, and brought forth by the wife first married, may take, *if learned and virtuous*, one bull and fifteen cows; and the other sons may then take, each in right of his several mother: such is the fixed rule.

125. ' As between sons, born of wives equal in their class *and without any other* distinction, there can be no seniority in right of the mother; but the seniority ordained by law, is according to the birth.

126. ' The right of invoking INDRA by the texts, called *swabrahmanyá*, depends on actual priority of birth; and of twins also, *if any such be conceived*
' among

‘ among *different* wives, the eldest is he, who was
 ‘ first actually born. CHAP. IX.

127. ‘ HE, who has no son, may appoint his daughter in this manner to raise up a son for him, *saying* :
 ‘ “ the male child, who shall be born from her in
 ‘ wedlock, shall be mine for the purpose of performing my obsequies.”

128. ‘ In this manner DACSHA himself, lord of created beings, anciently appointed all his *fifty* daughters to raise up sons to him for the sake of multiplying his race :

129. ‘ He gave ten to DHERMA, thirteen to CASYAPA, twenty seven to SÓMA, king of *Bráhmens and medical plants*, after doing honour to them with an affectionate heart.

130. ‘ THE son of a man is even as himself; and as the son, such is the daughter *thus appointed*: how then, *if he have no son*, can any inherit his property, but a daughter, who is closely united with his own soul?

131. ‘ Property, given to the mother on her marriage, is inherited by her *unmarried* daughter; and the son of a daughter, *appointed in the manner just mentioned*, shall inherit the whole estate of her father, who leaves no son *by himself begotten*:

132. ‘ The son, however, of *such* a daughter, who succeeds to all the wealth of her father dying with-

AP. ' out a son, must offer two funeral cakes, one to his
X. ' own father, and one to the father of his mother.

133. ' Between a son's son and the son of *such* a
' daughter, there is no difference in law; since their
' father and mother both sprang from the body of the
' same man :

134. ' But, a daughter having been appointed to
' produce a son for her father, and a son, *begotten by*
' *himself*, being afterwards born, the division of the
' heritage must in that case be equal; since there is
' no right of primogeniture for a woman.

135. ' Should a daughter, thus appointed to raise
' up a son for her father, die by any accident with-
' out a son, the husband of that daughter may, with-
' out hesitation, possess himself of her property.

136. ' By that male child, whom a daughter thus
' appointed, either by an implied intention or a plain
' declaration, shall produce from a husband of an
' equal class, the maternal grandfather becomes in
' law the father of a son: let that son give the fu-
' neral cake and possess the inheritance.

137. ' By a son, a man obtains victory over all
' people; by a son's son, he enjoys immortality; and,
' afterwards, by the son of that grandson, he reaches
' the solar abode.

138. ' Since the son (*tráyaté*) delivers his father
' from the hell named *put*, he was, therefore, called
' *puttra* by BRAHMA' himself :

139. ' Now

139. ' Now between the sons of his son and of his daughter *thus appointed*, there subsists in this world no difference; for even the son of such a daughter delivers him in the next, like the son of his son. CHAI IX.

140. ' Let the son of such a daughter offer the first funeral cake to his mother; the second to her father; the third, to her paternal grandfather.

141. ' Of the man, to whom a son has been given, *according to a subsequent law*, adorned with every virtue, that son shall take a *fifth or sixth part* of the heritage, though brought from a different family.

142. ' A given son must never claim the family and estate of his natural father: the funeral cake follows the family and estate; but of him, who has given away his son, the funeral oblation is extinct.

143. ' THE son of a wife, not authorized to have issue by another, and the son begotten, by the brother of the husband, on a wife, who has a son then living, are both unworthy of the heritage; one being the child of an adulterer, and the other produced through mere lust.

144. ' Even the son of a wife duly authorized, not begotten according to the law *already propounded*, is unworthy of the paternal estate; for he was produced by an outcast:

145. ' But the son *legally* begotten on a wife, authorized for the purpose *before mentioned*, may inherit in all respects, if he be virtuous and learned, as
' a son

HAP. ' a son begotten by the husband; since *in that case*
 IX. ' the seed and the produce belong of right to the
 ' owner of the field.

146. ' He, who keeps the *fixed and moveable* estate
 ' of his *deceased* brother, maintains the widow, and
 ' raises up a son to that brother, must give to that
 ' son, *at the age of fifteen*, the whole of his brother's
 ' *divided* property.

147. ' Should a wife, even though legally autho-
 ' rized, produce a son by the brother, or any other
 ' *sapinda*, of her husband, that son, if begotten with
 ' *amorous embraces, and tokens of* impure desire, the
 ' sages proclaim base-born and incapable of inheriting.

148. ' THIS law, *which has preceded*, must be un-
 ' derstood of a distribution among sons begotten on
 ' women of the same class: hear now the law con-
 ' cerning *sons by* several women of different classes.

149. ' If there be four wives of a *Bráhmén* in the
 ' direct order of the classes, and sons are produced
 ' by them all, this is the rule of partition *among*
 ' *them*:

150. ' The chief servant in husbandry, the bull kept
 ' for impregnating cows, the riding-horse or carriage,
 ' the *ring and other* ornaments, and the principal mes-
 ' suage, shall be deducted from the inheritance and
 ' given to the *Bráhmén*-son, together with a larger
 ' share by way of pre-eminence.

151. ' Let the *Bráhmén* take three shares of the
 ' residue;

- ‘ residue; the son of the *Cshatriyà*-wife, two shares; the son of the *Vaisyà*-wife, a share and a half; and the son of the *Súdrà*-wife, may take one share. CHAP. IX.

152. ‘ Or, *if no deduction be made*, let some person learned in the law divide the whole collected estate into ten parts, and make a legal distribution by this *following* rule: .

153. ‘ Let the son of the *Bráhmaṇi* take four parts; the son of the *Cshatriyà* three; let the son of the *Vaisyà* have two parts; let the son of the *Súdrà* take a single part, *if he be virtuous*.

154. ‘ But whether the *Bráhmaṇi* have sons, or have no sons, *by wives of the three first classes*, no more than a tenth part must be given to the son of a *Súdrà*.

155. ‘ The son of a *Bráhmaṇi*, a *Cshatriya*, or a *Vaisya* by a woman of the servile class, shall inherit no part of the estate, *unless he be virtuous; nor jointly with other sons, unless his mother was lawfully married*: whatever his father may give him, let that be his own.

156. ‘ All the sons of twice-born men, produced by wives of the same class, must divide the heritage equally, after the younger brothers have given the first-born his deducted allotment.

157. ‘ For a *Súdra* is ordained a wife of his own class, *and no other*: all, produced by her, shall have equal shares, though she have a hundred sons.

158. ‘ Or

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158. ' Of the twelve sons of men, whom MENU, sprung from the Self-existent, has named, six are kinsmen and heirs; six, not heirs, *except to their own fathers*, but kinsmen.

159. ' The son begotten by a man himself *in lawful wedlock*, the son of his wife begotten *in the manner before described*, a son given *to him*, a son made or adopted, a son of concealed birth, or whose real father cannot be known, and a son rejected by his natural parents, are the six kinsmen and heirs :

160. ' The son of a young woman *unmarried*, the son of a pregnant bride, a son bought, a son by a twice-married woman, a son self-given, and a son by a *Súdrà*, are the six kinsmen, but not heirs to collaterals.

161. ' Such advantage, as a man would gain, who should attempt to pass deep water in a boat made of woven reeds, that father obtains, who passes the gloom of death, leaving only contemptible sons, *who are the eleven, or at least the six, last mentioned*.

162. ' If the two heirs of one man be the son of his own body and a son of his wife by a kinsman, *the former of whom was begotten after his recovery from an illness thought incurable*, each of the sons, exclusively of the other, shall succeed to the whole estate of his natural father.

163. ' The son of his own body is the sole heir to
' his

‘ his estate, but, that all evil may be removed, let
 ‘ him allow a maintenance to the rest; CHAP.
 IX.

164. ‘ And, when the son of the body has taken
 ‘ an account of the paternal inheritance, let him give
 ‘ a sixth part of it to the son of the wife begotten
 ‘ by a kinsman, *before his father’s recovery*; or a
 ‘ fifth part, *if that son be eminently virtuous*.

165. ‘ The son of the body, and the son of the wife,
 ‘ may succeed *immediately* to the paternal estate *in the*
 ‘ *manner just mentioned*; but the ten other sons can
 ‘ only succeed in order to the family duties and to
 ‘ their share of the inheritance, *those last named being*
 ‘ *excluded by any one of the preceding*.

166. ‘ HIM, whom a man has begotten on his own
 ‘ wedded wife, let him know to be the first in rank,
 ‘ as the son of his body.

167. ‘ He, who was begotten, according to law, on
 ‘ the wife of a man deceased, or impotent, or dis-
 ‘ ordered, after due authority given to her, is called
 ‘ the lawful son of the wife.

168. ‘ He, whom his father, or mother *with her*
 ‘ *husband’s assent*, gives to another as his son, pro-
 ‘ vided that the donee have no issue, if the boy be
 ‘ of the same class and affectionately disposed, is
 ‘ considered as a son given, *the gift being confirmed*
 ‘ by *pouring* water.

169. ‘ He is considered as a son made *or adopted*,
 ‘ whom a man takes as his own son, the boy being

IAP. ' equal in class, endued with filial virtues, acquainted
 X. ' with *the merit of performing obsequies to his adopter,*
 ' and with *the sin of omitting them.*

170. ' In whose mansion soever a male child shall
 ' be brought forth *by a married woman, whose husband*
 ' *has long been absent,* if the real father cannot be
 ' discovered, *but if it be probable that he was of an*
 ' *equal class,* that child belongs to the lord of the
 ' *unfaithful* wife, and is called a son of concealed
 ' birth in his mansion.

171. ' A boy, whom a man receives as his own
 ' son, after he has been deserted *without just cause*
 ' by his parents, or by either of them, *if one be*
 ' *dead,* is called a son rejected.

172. ' A son, whom the daughter of any man pri-
 ' vately brings forth in the house of her father, if she
 ' *afterwards* marry her lover, is described as a son
 ' begotten on an unmarried girl.

173. ' If a pregnant young woman marry, whether
 ' her pregnancy be known or unknown, the male child
 ' in her womb belongs to the bridegroom, and is
 ' called a son received with his bride.

174. ' He is called a son bought, whom a man,
 ' for the sake of having a son *to perform his obse-*
 ' *quies,* purchases from his father and mother, whether
 ' the boy be equal or unequal *to himself in good*
 ' *qualities,* for in class all adopted sons must be
 ' equal.

175. ' He

175. ' He, whom a woman, either forsaken by her
 ' lord or a widow, conceived by a second husband,
 ' whom she took by her own desire, *though against*
 ' *law*, is called the son of a woman twice married :

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176. ' If, *on her second marriage*, she be still a
 ' virgin, or if she left her husband under the age
 ' of puberty and return to him at his full age, she
 ' must again perform the nuptial ceremony *either*
 ' with her second, *or her young and deserted*, hus-
 ' band.

177. ' He, who has lost his parents, or been aban-
 ' doned *by them* without just cause, and offers him-
 ' self to a man *as his son*, is called a son self-given.

178. ' A son, begotten through lust on a *Súdrà* by
 ' a man of the priestly class, is even as a corpse,
 ' though alive, and is thence called in law a living
 ' corpse :

179. ' But a son, begotten by a man of the servile
 ' class on his female slave, or on the female slave
 ' of his male slave, may take a share of the heritage,
 ' if permitted *by the other sons* : thus is the law es-
 ' tablished.

180. ' These eleven sons (the son of the wife, and
 ' the rest as enumerated) are allowed by wise legis-
 ' lators to be substitutes *in order* for sons of the
 ' body, for the sake of preventing a failure of obse-
 ' quies ;

181. ' Though such, as are called sons for that pur-
 ' pose,

HAP. ' pose, but were produced from the manhood of others,
 IX. ' belong in truth to the father, from whose man-
 ' hood they severally sprang, and to no other, *except*
 ' *by a just fiction of law.*

182. ' If, among several brothers of the whole
 ' blood, one have a son born, MENU pronounces them
 ' all fathers of a male child by means of that son;
 ' *so that, if such nephew would be the heir, the uncles*
 ' *have no power to adopt sons:*

183. ' Thus if, among all the wives of the same
 ' husband, one bring forth a male child, MENU has
 ' declared them all, by means of that son, to be
 ' mothers of male issue.

184. ' On failure of the best, *and* of the *next* best,
 ' *among those twelve sons*, let the inferiour in order
 ' take the heritage; but, if there be many of equal
 ' rank, let all be sharers of the estate.

185. ' Not brothers, nor parents, but sons, *if living*,
 ' *or their male issue*, are heirs to the deceased, but
 ' of him, who leaves no son, *nor a wife, nor a*
 ' *daughter*, the father shall take the inheritance;
 ' and, *if he leave neither father, nor mother*, the bro-
 ' thers.

186. ' To three *ancestors* must water be given at
 ' their obsequies; for three (*the father, his father,*
 ' *and the paternal grandfather*) is the funeral cake
 ' ordained: the fourth *in descent* is the giver of obla-
 ' *tions to them, and their heir, if they die without*
 ' *nearer*

‘ *nearer descendants*; but the fifth has no concern with CHAP.
 ‘ *the gift of the funeral cake.* IX.

187. ‘ To the nearest *sapinda*, *male or female*, after
 ‘ him in the third degree, the inheritance *next* be-
 ‘ longs; then, on failure of *sapindas* and of their issue,
 ‘ the *samánódaca*, or distant kinsman, shall be the
 ‘ heir; or the spiritual preceptor, or the pupil, or *the*
 ‘ *fellow-student, of the deceased*:

188. ‘ On failure of all those, the lawful heirs are
 ‘ such *Bráhmens*, as have read the three *Védas*, as
 ‘ are pure *in body and mind*, as have subdued their
 ‘ passions; and they must consequently offer the cake:
 ‘ thus the rites of obsequies cannot fail.

189. ‘ The property of a *Bráhmen* shall never be
 ‘ taken *as an escheat* by the king; this is a fixed
 ‘ law: but the wealth of the other classes, on failure
 ‘ of all heirs, the king may take.

190. ‘ If the widow of a man, who died without a
 ‘ son, raise up a son to him by one of his kins-
 ‘ men, let her deliver to that son, *at his full age*,
 ‘ the collected estate of the deceased, whatever it be.

191. ‘ If two sons, begotten by two *successive hus-*
 ‘ *bands, who are both dead*, contend for their property,
 ‘ then in the hands of their mother, let each take,
 ‘ exclusive of the other, his own father’s estate.

192. ‘ ON the death of the mother, let all the
 ‘ uterine brothers and the uterine sisters, *if unmarried*,
 ‘ equally divide the maternal estate: *each married*
 ‘ *sister*

IAP. ' *sister shall have a fourth part of a brother's allot-*
 X. ' *ment.*

193. ' Even to the daughters of those daughters,
 ' it is fit, that something should be given, from the
 ' assets of their maternal grandmother, on the score
 ' of natural affection.

194. ' WHAT was given before the nuptial fire, what
 ' was given on the bridal procession, what was given
 ' in token of love, and what was received from a
 ' brother, a mother, or a father, are considered as the
 ' six-fold *separate* property of a *married* woman :

195. ' What she received after marriage from the
 ' family of her husband, and what her affectionate
 ' lord may have given her, shall be inherited, even
 ' if she die in his life-time, by her children.

196. ' It is ordained, that the property of a woman,
 ' married by the ceremonies called *Bráhma*, *Daiva*,
 ' *Arsha*, *Gándharva*, or *Prájápatya*, shall go to her
 ' husband, if she die without issue.

197. ' But her wealth given on the marriage called
 ' *Asura*, or on either of the *two* others, is ordained,
 ' on her death without issue, to become the property
 ' of her father and mother.

198. ' If a widow, *whose husband had other wives*
 ' *of different classes*, shall have received wealth at
 ' any time as a *gift* from her father, and *shall die*
 ' *without*

‘ *without issue, it shall go to the daughter of the* CHAP.
 ‘ *Bráhmaṇi-wife, or to the issue of that daughter.* IX.

199. ‘ A woman should never make a hoard from
 ‘ the goods of her kindred, *which are common to her*
 ‘ *and many; or even from the property of her lord,*
 ‘ *without his assent.*

200. ‘ Such ornamental apparel, as women wear
 ‘ during the lives of their husbands, the heirs of those
 ‘ husbands shall not divide among themselves: they,
 ‘ who divide it among themselves, fall deep *into sin.*

201. ‘ Eunuchs and outcasts, persons born blind or
 ‘ deaf, madmen, idiots, the dumb, and such as have
 ‘ lost the use of a limb, are excluded from a share
 ‘ of the heritage;

202. ‘ But it is just, that the heir, who knows his
 ‘ duty, should give all of them food and raiment *for*
 ‘ *life without stint, according to the best of his*
 ‘ *power: he, who gives them nothing, sinks assuredly*
 ‘ *to a region of punishment.*

203. ‘ If the eunuch and the rest should at any
 ‘ time desire to marry, *and if the wife of the eunuch*
 ‘ *should raise up a son to him by a man legally ap-*
 ‘ *pointed, that son and the issue of such, as have*
 ‘ *children, shall be capable of inheriting.*

204. ‘ After the death of the father, if the eldest
 ‘ brother acquire *wealth by his own efforts before par-*
 ‘ *tition, a share of that acquisition shall go to the*
 ‘ *younger*

AP. ' younger brothers, if they have made a due progress
' in learning ;

205. ' And if all of them, being unlearned, acquire
' property *before partition* by their own labour, there
' shall be an equal division of that property *without*
' *regard to the first-born* ; for it was not the wealth
' of their father : this rule is clearly settled.

206. ' Wealth, however, acquired by learning, be-
' longs exclusively to any one *of them, who acquired*
' *it* : so does any thing given by a friend, received
' on account of marriage, or presented as a mark of
' respect to a guest.

207. ' If any one of the brethren has a compe-
' tence from his own occupation, and wants not the
' property *of his father*, he may debar himself from
' his own share, some trifle being given him as a
' consideration, *to prevent future strife*.

208. ' What a brother has acquired by labour or
' skill, without using the patrimony, he shall not give
' up without his assent ; for it was gained by his own
' exertion :

209. ' And if a son, by his own efforts, recover a
' *debt or property unjustly detained*, which could not
' be recovered before by his father, he shall not, un-
' less by his free will, put it into parcenary with his
' brethren, since in fact it was acquired by himself.

210. ' If brethren, once divided and living again
' together as parceners, make a second partition, the
' shares

‘ shares must in that case be equal; and the first-
‘ born shall have no right of deduction. CHAP. IX.

211. ‘ Should the eldest or youngest of several brothers be deprived of his share *by a civil death on his entrance into the fourth order*, or should any one of them die, his *vested interest in a share* shall not wholly be lost;

212. ‘ But, *if he leave neither son, nor wife, nor daughter, nor father, nor mother*, his uterine brothers and sisters, and such brothers as were re-united after a separation, shall assemble and divide his share equally.

213. ‘ Any eldest brother, who from avarice shall defraud his younger brother, shall forfeit *the honours of his primogeniture*, be deprived of his own share, and pay a fine to the king.

214. ‘ All those brothers, who are addicted to any vice, lose their title to the inheritance. the first-born shall not appropriate it to himself, but shall give shares to the youngest, *if they be not vicious*.

215. ‘ If, among undivided brethren *living with their father*, there be a common exertion for common gain, the father shall never make an unequal division among them, *when they divide their families*.

216. ‘ A son, born after a division *in the lifetime of his father*, shall alone inherit the patrimony, or shall have a share of it with the divided brethren, if they return and unite themselves with him.

IAF. 217. ' OF a son, dying childless *and leaving no*
 X. ' widow, the father and mother shall take the estate;
 ' and, the mother also being dead, the paternal grand-
 ' father and grandmother shall take the heritage, on
 ' failure of brothers and nephews.

' 218. ' When all the debts and wealth have been
 ' justly distributed according to law, any property,
 ' that may afterwards be discovered, shall be subject
 ' to a similar distribution.

219. ' Apparel, carriages, or riding-horses, and or-
 ' naments of ordinary value, which any of the heirs
 ' had used by consent before partition, dressed rice,
 ' water in a well or cistern, female slaves, family
 ' priests, or spiritual counsellors, and pasture ground
 ' for cattle, the wise have declared indivisible, and
 ' still to be used as before.

220. ' Thus have the laws of inheritance, and the
 ' rule for the conduct of sons (whether the son of
 ' the wife or others) been expounded to you in
 ' order: learn at present the law concerning games
 ' of chance.

221. ' GAMING, either with inanimate or with ani-
 ' mated things, let the king exclude wholly from
 ' his realm: both those modes of play cause destruc-
 ' tion to princes.

222. ' Such play with dice *and the like*, or by
 ' matches between rams and cocks, amounts to open
 ' theft;

‘ theft; and the king must ever be vigilant in sup- CHAP.
‘ pressing both *modes of play*: IX.

223. ‘ Gaming with lifeless things is known among
‘ men by the name of *dyúta*; but *samáhwaya* sig-
‘ nifies a match between living creatures.

224. ‘ Let the king punish corporally at discretion
‘ both the gamester and the keeper of a gaming-
‘ house, whether they play with inanimate or ani-
‘ mated things; and men of the servile class, who
‘ wear the *string and other* marks of the twice-born.

225. ‘ Gamesters, publick dancers and singers,
‘ revilers of scripture, open hereticks, men who per-
‘ form not the duties of their several classes, and
‘ sellers of spirituous liquor, let him instantly banish
‘ from the town:

226. ‘ Those wretches, lurking like unseen thieves
‘ in the dominion of a prince, continually harass his
‘ good subjects with their vitious conduct.

227. ‘ Even in a former creation was this *vice of*
‘ gaming found a great provoker of enmity: let no
‘ sensible man, therefore, addict himself to play even
‘ for his amusement:

228. ‘ On the man addicted to it, either privately
‘ or openly, let punishment be inflicted at the dis-
‘ cretion of the king.

229. ‘ A MAN of the military, commercial, or servile
‘ class, who cannot pay a fine, shall discharge the

AP. ' debt by his labour: a priest shall discharge it by
 L. ' little and little.

230. ' For women, children, persons of crazy intellect, the old, the poor, and the infirm, the king shall order punishment with a small whip, a twig, or a rope.

231. ' THOSE ministers, who are employed in public affairs, and, inflamed by the blaze of wealth, mar the business of any person concerned, let the king strip of all their property.

232. ' Such, as forge royal edicts, cause dissensions among the great ministers, or kill women, priests, or children, let the king put to death; and such, as adhere to his enemies.

233. ' Whatever business has at any time been transacted conformably to law, let him consider as finally settled, and refuse to unravel;

234. ' But whatever business has been concluded illegally by his ministers or by a judge, let the king himself re-examine; and let him fine them each a thousand *panas*.

235. ' The slayer of a priest, *a soldier or merchant drinking arak, or a priest drinking arak*, mead, or rum, he, who steals *the gold of a priest*, and he, who violates the bed of his *natural or spiritual* father, are all to be considered respectively as offenders in the highest degree, *except those, whose crimes are not fit to be named*:

236. ' On

236. ‘ On such of those four, as have not actually performed an expiation, let the king legally inflict corporal punishment, together with a fine. CHA
IX

237. ‘ For violating the paternal bed, let *the mark* of a female part be impressed *on the forehead with hot iron*; for drinking spirits, a vintner’s flag; for stealing sacred gold, a dog’s foot; for murdering a priest, *the figure of a headless corpse*:

238. ‘ With none to eat with them, with none to sacrifice with them, with none to read with them, with none to be allied by marriage to them, abject and excluded from all social duties, let them wander over this earth:

239. ‘ Branded with *indelible* marks, they shall be deserted by their paternal and maternal relations, treated by none with affection, received by none with respect: such is the ordinance of MENU.

240. ‘ *Criminals of* all the classes, having performed an expiation, as ordained by law, shall not be marked on the forehead, but condemned to pay the highest fine:

241. ‘ For crimes by a priest, *who had a good character before his offence*, the middle fine shall be set on him; or, *if his crime was premeditated*, he shall be banished from the realm, *taking with him* his effects and his family;

242. ‘ But men of the other classes, who have committed those crimes, though without premeditation, shall

P. ' shall be stripped of all their possessions ; and, if their
' offence was premeditated, shall be corporally, or
' even capitally, punished, *according to circumstances*.

243. ' LET no virtuous prince appropriate the wealth
' of a criminal in the highest degree; for he, who ap-
' propriates it through covetousness, is contaminated
' with the same guilt :

244. ' Having thrown such a fine into the waters,
' let him offer it to VARUNA; or let him bestow it on
' some priest of eminent learning in the scriptures :

245. ' VARUNA is the lord of punishment; he holds
' a rod even over kings; and a priest who has gone
' through the whole *Vēda*, is *equal to* a sovereign of
' all the world.

246. ' Where the king abstains from receiving *to his*
' *own use* the wealth of such offenders, there children
' are born in due season and enjoy long lives ;

247. ' *There* the grain of husbandmen rise# abun-
' dantly, as it was respectively sown; there no young-
' lings die, nor is one deformed animal born.

248. ' SHOULD a man of the basest class, with pre-
' conceived malice, give pain to *Bráhmens*, let the
' prince corporally punish him by various modes, that
' may raise terror.

249. ' A king is pronounced equally unjust in re-
' leasing the man who deserves punishment, and in
' punishing the man who deserves it not: he is just,
' who always inflicts the punishment ordained by law.

250. ' These

‘ 250. ‘ These established rules for administering justice between two litigant parties, have been propounded at length under eighteen heads. CHAP. IX.

251. ‘ Thus fully performing all duties required by law, let a king seek *with justice* to possess regions yet unpossessed, and, when they are in his possession, let him govern them well.

252. ‘ His realm being completely arranged and his fortresses amply provided, let him ever apply the most diligent care to eradicate *bad men resembling* thorny weeds, as the law directs.

253. ‘ By protecting such as live virtuously, and by rooting up such as live wickedly, those kings, whose hearts are intent on the security of their people, shall rise to heaven.

254. ‘ Of that prince, who takes a revenue, without restraining rogues, the dominions are thrown into disorder, and himself shall be precluded from a celestial abode;

‘ 255. ‘ But of him, whose realm, by the strength of his arm, is defended and free from terror, the dominions continually flourish, like trees duly watered.

256. ‘ LET the king, whose emissaries are his eyes, discern well the two sorts of rogues, the open and the concealed, who deprive other men of their wealth:

257. ‘ Open rogues are they, who subsist by cheating
‘ ing

CHAP. ' ing in various marketable commodities; and con-
IX. ' cealed rogues are they, who steal and rob in forests
' and the like secret places.

258. ' Receivers of bribes, ex.orters of money by
' threats, debasers of metals, gamesters, fortune-tellers,
' imposters, and professors of palmistry;

259. ' Elephant-breakers, and quacks, not performing
' what they engage to perform, pretended artists, and
' subtil harlots;

260. ' These and the like thorny weeds, overspread-
' ing the world, let the king discover with a quick
' sight, and others, who act ill in secret; worthless
' men, yet bearing the outward signs of the worthy.

261. ' Having detected them, by means of trusty
' persons disguised, who *pretend to* have the same oc-
' cupation with them, and of spies placed in several
' stations, let him bring them by artifice into his
' power;

262. ' Then, having fully proclaimed their respective
' criminal acts, let the king inflict punishment legally,
' according to the crimes proved;

263. ' Since, without certain punishment, it is im-
' possible to restrain the delinquency of scoundrels
' with depraved souls, who secretly prowl over this
' earth.

264. ' Much-frequented places, cisterns of water,
' bake-houses, the lodgings of harlots, taverns and
' victualling

‘ victualling-shops, squares where four ways meet, large
 ‘ well known trees, assemblies, and publick spectacles; CHAP. IX.

265. ‘ Old court-yards, thickets, the houses of artists,
 ‘ empty mansions, groves, and gardens;

‘ 266. ‘ These and the like places let the king guard,
 ‘ for the prevention of robberies, with soldiers, both
 ‘ stationary and patrolling, as well as with secret
 ‘ watchmen.

267. ‘ By the means of able spies, once thieves, *but*
 ‘ *reformed*, who, well knowing the various machina-
 ‘ tions of rogues, associate with them and follow
 ‘ them, let the king detect and draw them forth:

268. ‘ On pretexts of dainty food and gratifications,
 ‘ or of seeing some wise priest, *who could ensure their*
 ‘ *success*, or on pretence of *mock battles and the like*
 ‘ feats of strength, let the spies procure an assembly
 ‘ of those men.

269. ‘ Such as refuse to go forth on those occa-
 ‘ sions, deterred by *former punishments, which* the
 ‘ king *had inflicted*, let him *seize* by force, *and* put to
 ‘ death, *on proof of their guilt*, with their friends and
 ‘ kinsmen, paternal and maternal, *if proved to be*
 ‘ *their confederates*.

270. ‘ Let not a just prince kill a man convicted
 ‘ of simple theft, unless taken with the mainer or
 ‘ with implements of robbery; but any thief, taken
 ‘ with the mainer, or with such implements, let him
 ‘ destroy without hesitation;

HAP. 271. ' And let them slay all those, who give robbers
IX. ' food in towns, or supply them with implements, or
' afford them shelter.

272. ' Should those men, who were appointed to
' guard any districts, or those of the vicinity, who
' were employed for that purpose, be neutral in at-
' tacks by robbers *and inactive in seizing them*, let
' him instantly punish them as thieves.

273. ' Him, who lives *apparently* by the rules of
' his class, but *really* departs from those rules, let
' the king severely punish by fine, as a wretch, who
' violates his duty.

274. ' They, who give no assistance on the plun-
' dering of a town, on the forcible breaking of a dike,
' or on seeing a robbery on the highway, shall be
' banished with their cattle and utensils.

275. ' Men, who rob the king's treasure, or obsti-
' nately oppose his commands, let him destroy by
' various modes of just punishment; and those, who
' encourage his enemies.

276. ' Of robbers, who break a wall or partition,
' and commit theft in the night, let the prince order
' the hands to be lopped off, and themselves to be
' fixed on a sharp stake.

277. ' Two fingers of a cutpurse, *the thumb and the*
' *index*, let him cause to be amputated on his first
' conviction; on the second, one hand and one foot;
' on the third, he shall suffer death.

278 ' Such

278. ' Such, as give thieves fire, such as give them
 ' food, such as give them arms and apartments, and
 ' such as knowingly receive a thing stolen, let the
 ' king punish as *he would punish* a thief.

CHAP.
IX.

279. ' The breaker of a *dam to secure* a pool, let
 ' him punish by long immersion under water, or by
 ' keen corporal suffering; or the offender shall repair
 ' it, but must pay the highest mulct.

280. ' Those, who break open the treasury, or the
 ' arsenal, or the temple of a deity, and those, who
 ' carry off royal elephants, horses, or cars, let him
 ' without hesitation destroy.

281. ' He, who shall take away the water of an an-
 ' cient pool, or shall obstruct a water-course, must
 ' be condemned to pay the lowest usual amercement.

282. ' HE, who shall drop his ordure on the king's
 ' highway, except in case of necessity, shall pay two
 ' *panas* and immediately remove the filth;

283. ' But a person in urgent necessity, a very old
 ' man, a pregnant woman, and a child, only deserve
 ' reproof, and shall clean the place themselves: that
 ' is a settled rule.

284. ' ALL physicians and surgeons acting unskilfully
 ' in their several professions, must pay for *injury to*
 ' brute animals the lowest, but for *injury to* human
 ' creatures the middle, amercement.

285. ' THE breaker of a foot-bridge, of a publick
 ' flag,

HAP. ' flag, of a palisade, and of idols *made of clay*, shall
 IX. ' repair what he has broken, and pay a mulct of five
 ' hundred *panas*.

286. ' For mixing impure with pure commodities,
 ' for piercing fine gems, *as diamonds or rubies*, and
 ' for bering *pearls or inferiour gems* improperly, the
 ' fine is the lowest of the three; *but damages must*
 ' *always be paid*.

287. ' THE man, who shall deal unjustly with pur-
 ' chasers at a fair price *by delivering goods of less va-*
 ' *lue*, or shall sell at a high price *goods of ordinary*
 ' *value*, shall pay, *according to circumstances*, the low-
 ' est or the middle amercement.

288. ' LET the king place all prisons near a publick
 ' road, where offenders may be seen wretched or dis-
 ' figured.

289. ' HIM, who breaks down a *publick* wall, him, who
 ' fills up a *publick* ditch, him, who throws down a
 ' *publick* gate, the king shall speedily banish.

290. ' For all sacrifices to destroy innocent men,
 ' the punishment is a fine of two hundred *panas*; and
 ' for machinations with *poisonous* roots, and for the
 ' various *charms and witcheries intended to kill*, by
 ' persons not effecting their purpose.

291. ' THE seller of bad grain for good, or of good
 ' seed placed at the top *of the bag*, to conceal the
 ' *bad below*, and the destroyer of known land-marks,
 ' must

‘ must suffer such corporal punishment as will dis- CHAP.
‘ figure them; IX.

292. ‘ But the most pernicious of all deceivers is
‘ a goldsmith, who commits frauds: the king shall
‘ order him to be cut peacemeal with razors.

293. ‘ For stealing implements of husbandry, wea-
‘ pons, and prepared medicines, let the king award
‘ punishment according to the time and according to
‘ their use.

294. ‘ THE king, and his council, his metropolis,
‘ his realm, his treasure, and his army, together with
‘ his ally, are the seven members of his kingdom;
‘ whence it is called *Septánga*:

295. ‘ Among those seven members of a kingdom,
‘ let him consider the ruin of the first, and so forth
‘ in order, as the greatest calamity;

296. ‘ Yet, in a seven-parted kingdom here below,
‘ there is no supremacy among the several parts,
‘ from any pre-eminence in useful qualities: but all
‘ the parts must reciprocally support each other, like
‘ the three staves of a holy mendicant:

297. ‘ In these and those acts, *indeed*, this and
‘ that member may be distinguished; *and* the mem-
‘ ber by which any affair is transacted, has the pre-
‘ eminence in that particular affair.

298. ‘ WHEN the king employs emissaries, when he
‘ exerts power, when he regulates publick business,
‘ let

CHAP. ' let him invariably know both his own strength and
IX. ' that of his enemy,

299. ' With all *their several* distresses and vices :
' let him then begin his operations, having maturely
' considered the greater and less importance of *par-*
' *ticular acts* :

300. ' Let him, *though frequently disappointed*, re-
' new his operations, how fatigued soever, again and
' again; since fortune always attends the man, who,
' *having begun well*, strenuously renews his efforts.

301. ' ALL the ages, called *Satya*, *Trétá*, *Dwápara*,
' and *Cali*, depend on the conduct of the king; who
' is declared *in turn* to represent each of those
' ages :

302. ' Sleeping, he is the *Cali* age; waking, the
' *Dwápara*; exerting himself in action, the *Trétá*;
' living virtuously, the *Satya*.

303. ' Of INDRA, of SU'RYA, of PAVANA, of YAMA, of
' VARUNA, of CHANDRA, of AGNI, and of PRIT'HIVÌ, let
' the king emulate the power and attributes.

304. ' AS INDRA sheds plentiful showers during the
' four rainy months, thus let him, acting like the
' regent of clouds, rain just gratifications over his
' kingdom :

305. ' AS SU'RYA with strong rays draws up the
' water during eight months, thus let him, perform-
' ing the function of the sun, gradually draw from
' his realm the legal revenue :

306. ' As

306. ' As PAVANA, when he moves, pervades all CHA
 ' creatures, thus let him, imitating the regent of IX.
 ' wind, pervade *all places* by his concealed emis-
 ' saries :

307. ' As YAMA, at the appointed time, punishes
 ' friends and foes, *or those who revere, and those who*
 ' *contemn, him*, thus let the king, resembling the
 ' judge of departed spirits, punish *offending subjects* :

308. ' As VARUNA most assuredly binds the guilty
 ' in fatal cords, thus let him, representing the genius
 ' of water, keep offenders in close confinement :

309. ' When the people are no less delighted on
 ' seeing the king, than on seeing the full moon, he
 ' appears in the character of CHANDRA :

310. ' Against criminals let him ever be ardent in
 ' wrath, let him be splendid in glory, let him con-
 ' sume wicked ministers, thus emulating the functions
 ' of AGNI, regent of fire.

311. ' As PRIT'HIVÌ supports all creatures equally,
 ' thus a king, sustaining all subjects, resembles in
 ' his office the goddess of earth.

312. ' Engaged in these duties and in others, with
 ' continual activity, let the king, *above all things*
 ' restrain robbers, both in his own territories and in
 ' those of other princes, *from which they come, or in*
 ' *which they seek refuge.*

313. ' LET him not, although in the greatest distress
 ' *for*

AP. ' for money, provoke *Bráhmens* to anger by taking
 ' their property; for they, once enraged, could imme-
 ' diately by *sacrifices and imprecations* destroy him with
 ' his troops, elephants, horses and cars.

314. ' Who, without perishing, could provoke those
 ' holy men, by whom, *that is, by whose ancestors,*
 ' under BRAHMA', the all-devouring fire was created,
 ' the sea with waters not drinkable, and the moon
 ' with its wane and increase?

315. ' What prince could gain wealth by oppress-
 ' ing those, who, if angry, could frame other worlds
 ' and regents of worlds, could give being to new gods
 ' and mortals?

316. ' What man, desirous of life, would injure
 ' those, by the aid of whom, *that is, by whose obla-*
 ' tions, worlds and gods perpetually subsist; those,
 ' who are rich in the learning of the *Véda*?

317. ' A *Bráhmén*, whether learned or ignorant, is
 ' a powerful divinity; even as fire is a powerful di-
 ' vinity, whether consecrated or popular.

318. ' Even in places for burning the dead, the
 ' bright fire is undefiled; and, when presented with
 ' clarified butter at *subsequent* sacrifices, blazes again
 ' with extreme splendour:

319. ' Thus, although *Bráhmens* employ themselves in
 ' all sorts of mean occupation, they must invariably
 ' be honoured; for they are something transcendently
 ' divine.

320. ' Of

320. ' Of a military man, who raises his arm violently on all occasions against the priestly class, the priest himself shall be the chastiser; since the soldier originally proceeded from the *Bráhmén*.

321. ' From the waters arose fire; from the priest, the soldier; from stone, iron: their all-penetrating force is ineffectual in the place, whence they respectively sprang.

322. ' The military class cannot prosper without the sacerdotal, nor can the sacerdotal be raised without the military: both classes, by cordial union, are exalted in this world and in the next.

323. ' SHOULD the king *be near his end through some incurable disease, he* must bestow on the priests all his riches accumulated from legal fines; and, having duly committed his kingdom to his son, let him seek death in battle, *or, if there be no war, by abstaining from food.*

324. ' Thus conducting himself, *and* ever firm in discharging his royal duties, let the king employ all his ministers in acts beneficial to his people.

325. ' These rules for the conduct of a military man having been propounded, let mankind next hear the rules for the commercial and servile classes in due order.

326. ' LET the *Vaisya*, having been girt with his proper sacrificial thread, and having married an

equal wife, be always attentive to his business of *agriculture and trade*, and to that of keeping cattle;

327. ' Since the Lord of created beings, having formed herds, and flocks, intrusted them to the care of the *Vaisya*, while he intrusted the whole human species to the *Brâhmen* and the *Cshatriya* :

328. ' Never must a *Vaisya* be disposed to say, " I keep no cattle;" nor, he being willing to keep them, must they by any means be kept by men of another class.

329. ' Of gems, pearls, and coral, of iron, of woven cloth, of perfumes and of liquids, let him well know the prices both high and low :

330. ' Let him be skilled likewise in *the time and manner of sowing seeds*, and in the bad or good qualities of land; let him also perfectly know the correct modes of measuring and weighing,

331. ' The excellence or defects of commodities, the advantages and disadvantages of different regions, the probable gain or loss on vendible goods, and the means of breeding cattle with large augmentation :

332. ' Let him know the just wages of servants, the various dialects of men, the best way of keeping goods, and *whatever else belongs to purchase and sale*.

333. ' Let him apply the most vigilant care to
' augment

‘ augment his wealth by *performing* his duty; and, CHAP.
 ‘ with great solicitude, let him give nourishment to IX.
 ‘ all sentient creatures.

334. ‘ SERVILE attendance on *Bráhmens* learned in
 ‘ the *Véda*, chiefly on such as keep house and are
 ‘ famed for virtue, is of itself the highest duty of a
 ‘ *Súdra*, and leads him to future beatitude.

335. ‘ Pure *in body and mind*, humbly serving the
 ‘ three higher classes, mild in speech, never arrogant,
 ‘ ever seeking refuge in *Bráhmens* principally, he may
 ‘ attain the most eminent class *in another transmigration*.
 ‘ *tion*.

336. ‘ THIS clear system of duties has been pro-
 ‘ mulgated for the four classes, when they are not
 ‘ in distress for subsistence; now learn in order their
 ‘ several duties in times of necessity.’

CHAP. X.

On the mixed Classes ; and on Times of Distress.

P. 1. ‘ LET the three twice-born classes, remaining firm
‘ in their several duties, carefully read the *Véda* ; but
‘ a *Bráhmén* must explain it to them, not a *man of*
‘ the other two *classes* : this is an established rule.

2. ‘ The *Bráhmén* must know the means of sub-
‘ sistence ordained by law for all the classes, and
‘ must declare them to the rest : let himself likewise
‘ act in conformity to law.

3. ‘ From priority of birth, from superiority of ori-
‘ gin, from a more exact knowledge of scripture, and
‘ from a distinction in the sacrificial thread, the *Bráh-*
‘ *men* is the lord of all classes.

4. ‘ The three twice-born classes are the sacerdotal,
‘ the military, and the commercial ; but the fourth, or
‘ servile, is once-born, *that is, has no second birth*
‘ *from the gáyatrí, and wears no thread* : nor is there
‘ a fifth pure class.

5. ‘ IN all classes they, and they only, who are
‘ born, in a direct order, of wives equal in class and
‘ virgins at the time of marriage, are to be considered
‘ as the same in class *with their fathers* :

6. ‘ Sons, begotten by twice-born men, on women
‘ of

‘ of the class next immediately below them, wise legislators call similar, *not the same*, in class *with their parents*, because they are degraded, *to a middle rank between both*, by the lowness of their mothers: *they are named in order*, Múrdhábhishicta, Máhishya, and Carana, or Cáyast’ha; *and their several employments are teaching military exercises; musick, astronomy, and keeping herds; and attendance on princes.*

7. ‘ Such is the primeval rule for the sons of women one degree lower *than their husbands*: for the sons of women two or three degrees lower, let this rule of law be known.

8. ‘ From a *Bráhmen*, on a wife of the *Vaisya*-class, is born a son called *Ambasht’ha*, or *Vaidya*, on a *Súdrà*-wife a *Nisháda*, named also *Párasava*:

9. ‘ From a *Cshatriya*, on a wife of the *Súdra*-class, springs a creature, called *Ugra*, with a nature partly warlike and partly servile, ferocious in his manners, cruel in his acts.

10. ‘ The sons of a *Bráhmen* by *women of three lower classes*, of a *Cshatriya* by *women of two*, and of a *Vaisya* by one *lower class*, are called *Apasaddh*, or degraded *below their fathers*.

11. ‘ From a *Cshatriya*, by a *Bráhmen*-wife, springs a *Súta* by birth; from a *Vaisya*, by a military or sacerdotal wife, spring a *Mágadha* and a *Vaidéha*.

12. ‘ From a *Súdra*, on women of the commercial,
‘ military,

P. ' military, and priestly classes, are born sons of a
' mixed breed, called *Ayógava*, *Cshattri*, and *Chan-*
' *dála*, the lowest of mortals.

13. ' As the *Ambasht'ha* and *Ugra*, born in a di-
' rect order, with one class between *those of their*
' *parents*, are considered in law, so are the *Cshattri*,
' and the *Vaidéha*, born in an inverse order *with one*
' *intermediate class*; and all four may be touched with-
' out impurity.

14. ' Those sons of the twice-born, who are begot-
' ten on women without an interval (*Antara*) between
' the classes mentioned in order, the wise call *Anan-*
' *taras*, giving them a *distinct* name from the lower
' degree of their mothers.

15. ' From a *Bráhmen*, by a girl of the *Ugra*-tribe,
' is born an *A'vrīta*; by one of the *Ambast'ha*-tribe,
' an *A'bhíra*; by one of the *Ayógava*-tribe, a *Dhig-*
' *vana*.

16. ' The *Ayógava*, the *Cshattri*, and the *Chandála*,
' the lowest of men, spring from a *Súdra* in an in-
' verse order of the classes, and are therefore, all three
' excluded from the performance of obsequies to their
' ancestors:

17. ' From a *Vaisya* the *Mágadha* and *Vaidéha*,
' from a *Cshatriya* the *Súta* only, are born in an in-
' verse order; and they are three other sons excluded
' from funeral rites to their fathers.

18. ' The son of a *Nisháda* by a woman of the
' *Súdra-*

‘ *Súdra*-class, is by tribe a *Puccasa*; but the son of
 ‘ a *Súdra* by a *Nishádi*-woman, is named *Cuccutaca*. CHAP. X.

19. ‘ One, born of a *Cshattri* by an *Ugrá*, is called
 ‘ *Swapáca*; and one, begotten by a *Vaidéha* on an
 ‘ *Ambashthi*-wife, is called *Véna*.

20. ‘ Those, whom the twice-born beget on women
 ‘ of equal classes, but who perform not the proper
 ‘ ceremonies of assuming the thread, and the like,
 ‘ people denominate *Vrátyas*, or excluded from the
 ‘ *gáyatrì*.

21. ‘ From such an outcast *Bráhmen* springs a son
 ‘ of a sinful nature, who in different countries is
 ‘ named a *Bhírjacantaca*, an *Avantya*, a *Vátadhána*,
 ‘ a *Pushpadha* and a *Saichá*:

22. ‘ From such an outcast *Cshatriya* comes a son
 ‘ called a *J'halla*, a *Malla*, a *Nich'hivi*, a *Nata*, a
 ‘ *Carana*, a *C'hasa*, and a *Dravira*:

23. ‘ From such an outcast *Vaisya* is born a son
 ‘ called *Sudhanwan*, *Chárya*, *Cárusha*, *Vijanman*, *Mai-*
 ‘ *tra*, and *Sátwata*.

24. ‘ By intermixtures of the classes, by their mar-
 ‘ riages with women who ought not to be married,
 ‘ and by their omission of prescribed duties, impure
 ‘ classes have been formed.

25. ‘ THOSE men of mingled births, who were born
 ‘ in the inverse order of classes, and who intermarry
 ‘ among themselves, I will now compendiously de-
 ‘ scribe.

26. ‘ The

26. ' The *Súta*, the *Vaidéha*, and the *Chandála*;
 ' that lowest of mortals, the *Mágadha*, the *Cshattri*
 ' by tribe, and the *Ayógava*.

27. ' These six beget similar sons on women of
 ' their own classes, or on women of the same class
 ' with their mothers; and they produce the like from
 ' women of the two highest classes, *and of the low-*
 ' *est* :

28. ' As a twice-born son may spring from a
 ' *Bráhmen* by women of two classes out of three, a
 ' *similar son*, when there is no interval, and *an equal*
 ' *son* from a woman of his own class, it is thus in
 ' the case of the low tribes in order.

29. ' Those six beget, on women of their own tribes,
 ' reciprocally, very many despicable and abject races
 ' even more foul than their begetters.

30. ' Even as a *Súdra* begets, on a *Bráhmen*-wo-
 ' man, a son more vile than himself, thus any other
 ' low man begets, on *women of* the four classes, a
 ' son yet lower.

31. ' The six low classes, marrying inversely, beget
 ' fifteen yet lower tribes, the base producing still
 ' baser; *and in a direct order they produce fifteen more*.

32. ' A *Dasyu*, or outcast of any pure class, begets
 ' on an *Ayógavi*-woman a *Sairindhra*, who should
 ' know how to attend and to dress his master; though
 ' not a slave, he must live by slavish work, and
 ' may

‘ may also gain subsistence by catching wild beasts CHAP.
 ‘ in toils : X.

33. ‘ A *Vaidéha* begets on her a sweet-voiced *Mai-tréyaca*, who, ringing a bell at the appearance of dawn, continually praises great men :

34. ‘ A *Nisháda* begets on her a *Márgava*, or *Dása*, who subsists by his labour in boats, and is named *Caiverta* by those, who dwell in *A’ryáverta*, or the land of the venerable.

35. ‘ Those three of a base tribe are severally begotten on *A’yógavè*-women, who wear the clothes of the deceased and eat reprehensible food.

36. ‘ From a *Nisháda* springs by a woman of the *Vaidéha*-tribe, a *Cárávava*, who cuts leather, and from a *Vaidéha* spring by women of the *Cárávava* and *Nisháda*-casts, an *Andhra* and a *Médu*, who must live without the town.

37. ‘ From a *Chandáia* by a *Vaidéhì*-woman, comes a *Pándusópaca*, who works with cane and reeds ; and from a *Nisháda*, an *Ahindica*, who acts as a jailor.

38. ‘ From a *Chandála*, by a *Puccasì*-woman, is born a *Sópaca*, who lives by punishing criminals condemned by the king, a sinful wretch ever despised by the virtuous.

39. ‘ A *Nishádì*-woman, by a *Chandála*, produces a son called *Antyávasáyin*, employed in places for
 2 Y ‘ burning

‘ burning the dead, condemned even by the contemptible.

40. ‘ These, among various mixed classes, have been described by their several fathers and mothers; and, whether concealed or open, they may be known by their occupations.

41. ‘ Six sons, *three* begotten on women of the same class, and *three* on women of lower classes, must perform the duties of twice-born men; but those, who are *born in an inverse order*, and called low-born, are equal, in respect of duty, to mere *Súdras*.

42. ‘ By the force of extreme devotion and of exalted fathers, all of them may rise *in time* to high birth, as *by the reverse* they may sink to a lower state, in every age among mortals in this inferior world.

43. ‘ THE following races of *Cshatriyas*, by their omission of holy rites and by seeing no *Bráhmens*, have gradually sunk among men, to the lowest of the four classes:

44. ‘ *Paund'racas*, *Odras*, and *Draviras*; *Cámbojas*, *Yavanas*, and *Sacas*; *Páradas*, *Pahlavas*, *Chínas*, *Cirátas*, *Deradas*, and *C'hasas*;

45. ‘ All those tribes of men, who sprang from the mouth, the arm, the thigh, and the foot of BRAHMA, *but* who became outcasts *by having neglected*
‘ *their*

‘ *their duties*, are called *Dasyus*, or *plunderers*, whether CHAP.
 ‘ they speak the language of *Mléchch’has*, or that of X.
 ‘ *Aryas*.

46. ‘ THOSE sons of the twice-born, who are said
 ‘ to be degraded, and who are considered as low-born,
 ‘ shall subsist only by such employments, as the twice-
 ‘ born despise.

47. ‘ *Sútas* must live by managing horses and
 ‘ by driving cars; *Ambasht’has*, by curing disorders;
 ‘ *Vaidéhas*, by waiting on women; *Mág-añhas*, by tra-
 ‘ velling with merchandize;

48. ‘ *Nishádas*, by catching fish; an *Ayógava*, by
 ‘ the work of a carpenter; a *Méda*, an *Andhra*, and
 ‘ (the sons of a *Bráhmen* by wives of the *Vaidéha*
 ‘ and *Ugra*-classes, respectively called) a *Chunchu*
 ‘ and a *Madgu*, by slaying beasts of the forest;

49. ‘ A *Cshattri*, an *Ugra*, and a *Pacasa*, by kil-
 ‘ ling or confining such animals as live in holes:
 ‘ *Dhigvanas*, by selling leather; *Vénas*, by striking
 ‘ musical instruments:

50. ‘ Near large publick trees, in places for burning
 ‘ the dead, on mountains, and in groves, let those
 ‘ tribes dwell, generally known, and engaged in their
 ‘ several works.

51. ‘ THE abode of a *Chandála* and a *Swapáca* must
 ‘ be out of the town; they must not have the use
 ‘ of entire vessels; their sole wealth must be dogs
 ‘ and asses:

52. ' Their clothes must be the mantles of the deceased; their dishes for food, broken pots; their ornaments, rusty iron; continually must they roam from place to place :

53. ' Let no man, who regards his duty religious and civil, hold any intercourse with them; let their transactions be confined to themselves, and their marriages only between equals :

54. ' Let food be given to them in potsherds, *but not by the hands of the giver*; and let them not walk by night in cities or towns :

55. ' By day they may walk about for the purpose of work, distinguished by the king's badges; and they shall carry out the corpse of every one, who dies without kindred: such is the fixed rule.

56. ' They shall always kill those, who are to be slain by the sentence of the law, and by the royal warrant; and let them take the clothes of the slain their beds, and their ornaments.

57. ' Him, who was born of a sinful mother, *and consequently* in a low class, but is not openly known, who, though worthless in truth, bears the semblance of a worthy man, let people discover by his acts :

58. ' Want of virtuous dignity, harshness of speech, cruelty, and habitual neglect of prescribed duties, betray in this world the son of a criminal mother.

59. ' Whether a man of debased birth assume the
' character

‘ character of his father or of his mother, he can at CHAP.
 ‘ no time conceal his origin: X.

60. ‘ He, whose family had been exalted, but whose
 ‘ parents were criminal in marrying, has a base nature,
 ‘ according as the offence *of his mother* was great or
 ‘ small.

61. ‘ In whatever country such men are born, as
 ‘ destroy the purity of the four classes, that country
 ‘ soon perishes, together with the natives of it.

62. ‘ Desertion of life, without reward, for the sake
 ‘ of preserving a priest or a cow, a woman or a
 ‘ child, may cause the beatitude of those base-born
 ‘ tribes.

63. ‘ Avoiding all injury *to animated beings*, veracity,
 ‘ abstaining from theft, *and from unjust seizure of*
 ‘ *property*, cleanliness, and command over the bodily
 ‘ organs, form the compendious system of duty, which
 ‘ MENU has ordained for the four classes

64. ‘ SHOULD the tribe sprung from a *Bráhmén*, by
 ‘ a *Súdrà*-woman, produce *a succession of children* by
 ‘ the marriages of its women with other *Bráhméns*,
 ‘ the low tribe shall be raised to the highest in the
 ‘ seventh generation.

65. ‘ As *the son of a Súdra* may thus attain the
 ‘ rank of a *Bráhmén*, and as *the son of a Bráhmén*
 ‘ may sink to a level with *Súdras*, even so must it
 ‘ be with him, who springs from a *Cshatriya*; even so
 ‘ with him, who was born of a *Vaisya*.

66. ‘ If

66. ' If there be a doubt, as to the preference
 ' between him, who was begotten by a *Bráhmén* for
 ' his pleasure, *but not in wedlock*, o na *Súdrà*-woman,
 ' and him who was begotten by a *Súdra* on a *Bráhmén*,

67. ' *Thus is it removed*: he, who was begotten by
 ' an exalted man on a base woman, may by his
 ' good acts become respectable; but he, who was
 ' begotten on an exalted woman by a base man,
 ' must himself continue base:

68. ' Neither of the two (as the law is fixed) shall
 ' be girt with a sacred string; not the former, be-
 ' cause his mother was low; nor the second, because
 ' the order of the classes was inverted.

69. ' As good grain, springing from good soil, is
 ' in all respects excellent, thus a man, springing from
 ' a respectable father by a respectable mother, has
 ' a claim to the whole institution of the twice-born.

70. ' Some sages give a preference to the grain;
 ' others to the field; and others consider both field
 ' and grain; on this point the decision follows:

71. ' Grain, cast into bad ground, wholly perishes,
 ' and a good field, with no grain sown in it, is a
 ' mere heap of clods;

72. ' But since, by the virtue of eminent fathers,
 ' even the sons of wild animals, *as Rĩshyasrĩnga*,
 ' *and others*, have been transformed into holy men
 ' revered and extolled, the paternal side, therefore,
 ' prevails.

73. ' BRAHMA'

73. ' BRAHMA' himself, having compared a *Súdra*,
 ' who performs the duties of the twice-born, with a
 ' twice-born man, who does the acts of a *Súdra*,
 ' said: " Those two are neither equal nor unequal,"
 ' *that is, they are neither equal in rank, nor unequal*
 ' *in bad conduct.*

74. ' LET such *Bráhmens* as are intent on the means
 ' of attaining the supreme godhead, and firm in their
 ' own duties, completely perform, in order, the six
 ' following acts :

75. ' Reading the *Védas*, and teaching *others* to
 ' read them, sacrificing, and assisting *others* to sa-
 ' crifice, giving to the poor, if themselves have enough,
 ' and accepting gifts from the virtuous if themselves
 ' are poor, are the six prescribed acts of the first-
 ' born class ;

76. ' But, among those six acts of a *Bráhmen*,
 ' three are his *means of subsistence*; assisting to sa-
 ' crifice, teaching the *Védas*, and receiving gifts from
 ' a pure-handed giver.

77. ' Three acts of duty cease with the *Bráhmen*,
 ' and belong not to the *Cshatriya*; teaching the *Védas*,
 ' officiating at a sacrifice, and, thirdly, receiving pre-
 ' sents :

78. ' Those *three* are also (by the fixed rule of law)
 ' forbidden to the *Vaisya*; since MENU, the lord of
 ' all men, prescribed not those acts to the two *classes*,
 ' *military and commercial.*

79. ' The

79. ' The means of subsistence, peculiar to the *Cshatriya*, are bearing arms, either held for striking or missile, to the *Vaisya*, merchandize, attending on cattle, and agriculture: but, *with a view to the next life*, the duties of both are almsgiving, reading, sacrificing.

80. ' Among the several occupations *for gaining a livelihood* the most commendable respectively for the sacerdotal, military, and mercantile classes, are teaching the *Vēda*, defending the people, and commerce or keeping herds and flocks.

81. ' Yet a *Brāhmen*, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next in rank.

82. ' If it be asked, how he must live, should he be unable to get a subsistence by either of those employments; *the answer is*, he may subsist as a mercantile man, applying himself *in person* to tillage and attendance on cattle:

83. ' But a *Brāhmen* and a *Cshatriya*, obliged to subsist by the acts of a *Vaisya*, must avoid with care, *if they can live by keeping herds*, the business of tillage, which gives great pain *to sentient creatures*, and is dependant on *the labour of others*, as bulls and so forth.

84. ' Some are of opinion, that agriculture is excellent; but it is a mode of subsistence which the benevolent greatly blame; for the iron-mouthed
' pieces

‘ pieces of wood not only wound the earth, but the
‘ creatures dwelling in it. CHAP. X.

85. ‘ If, through want of a virtuous livelihood, they
‘ cannot follow laudable occupations, they may then
‘ gain a competence of wealth by selling commodities
‘ usually sold by merchants; avoiding what ought to
‘ be avoided :

86. ‘ They must avoid selling liquids of all sorts,
‘ dressed grain, seeds of *tila*, stones, salt, cattle, and
‘ human creatures ;

87. ‘ All woven cloth dyed red, cloth made of *sana*,
‘ of *cshumd*-bark, and of wool, even though not red ;
‘ fruit, roots, and medicinal plants ;

88. ‘ Water, iron, poison, flesh-meat, the moon-
‘ plant, and perfumes of any sort ; milk, honey, butter-
‘ milk, clarified butter, oil of *tila*, wax, sugar, and
‘ blades of *cus’a*-grass ;

89. ‘ All beasts of the forest, *as deer and the like* ;
‘ ravenous beasts, birds, *and fish* ; spirituous liquors,
‘ *nili*, or indigo, and *lácshá*, or lac ; and all beasts
‘ with uncloven hoofs.

90. ‘ But the *Bráhmen*-husbandman may at pleasure
‘ sell pure *tila*-seeds for the purpose of holy rites,
‘ if he keep them not long *with a hope of more gain*,
‘ and shall have produced them by his own culture :

91. ‘ If he apply seeds of *tila* to any purpose but
‘ food, anointing, and sacred oblations, he shall be
‘ plunged

P. ' plunged, in the shape of a worm, together with his
' parents, into the ordure of dogs.

92. ' By selling flesh-meat, *lácshá*, or salt, a *Bráh-*
' *men* immediately smks low; by selling milk three
' days, he falls to a level with a *Súdra*;

93. ' And by selling the other forbidden commo-
' dities with his own free will, he assumes in this
' world, after seven nights, the nature of a mere
' *Vaisya*.

94. ' Fluid things may, however, be bartered for
' other fluids, but not salt for any thing liquid; so
' may dressed grain for grain undressed, and *tila*-seeds
' for grain in the husk, equal weights or measures
' being given and taken.

95. ' A MILITARY man, in distress, may subsist by
' all these means, but at no time must he have re-
' course to the highest, or *sacerdotal*, function.

96. ' A man of the lowest class, who, through
' covetousness, lives by the acts of the highest, let
' the king strip of all his wealth and instantly banish:

97. ' His own office, though defectively performed,
' is preferable to that of another, though performed
' completely, for he, who *without necessity* discharges
' the duties of another class, immediately forfeits his
' own.

98. ' A MERCANTILE man, unable to subsist by his
' own duties, may descend even to the servile acts
' of

‘ of a *Súdra*, taking care never to do what ought CHAP.
 ‘ never to be done; but, when he has gained a com- X
 ‘ petence, let him depart from service.

99. ‘ A MAN of the fourth class, not finding em-
 ‘ ployment by waiting on the twice-born, while his
 ‘ wife and son are tormented with hunger, may sub-
 ‘ sist by handicrafts :

100. ‘ Let him principally follow those mechanical
 ‘ occupations, as *joinery and masonry*, or those various
 ‘ practical arts, as *painting and writing*, by following
 ‘ which, he may serve the twice-born.

101. ‘ SHOULD a *Bráhmen*, afflicted and pining
 ‘ through want of food, choose rather to remain
 ‘ fixed in the path of his own duty, than to adopt
 ‘ the practice of *Vaisyas*, let him act in this manner :

102. ‘ The *Bráhmen*, having fallen into distress,
 ‘ may receive gifts from any person whatever; for by
 ‘ no sacred rule can it be shown, that absolute
 ‘ purity can be sullied.

103. ‘ From interpreting the *Véda*, from officiating
 ‘ at sacrifices, or from taking presents, though in
 ‘ modes generally disapproved, no sin is committed
 ‘ by priests *in distress*; for they are as pure as fire
 ‘ or water.

104. ‘ He, who receives food, when his life could
 ‘ not otherwise be sustained, from any man whatever,
 ‘ is no more tainted by sin, than the subtil ether by
 ‘ mud :

IAP X. 105. ' AJÍGARTA, dying with hunger, was going to
 ' destroy his own son (*named* SU'NAH-S'E'P'HA) *by selling*
 ' *him for some cattle*; yet he was guilty of no crime,
 ' since he only sought a remedy against famishing:

106. ' VA'MADE'VA, who well knew right and wrong,
 ' was by no means rendered impure, though desirous,
 ' when oppressed *with hunger*, of eating the flesh of
 ' dogs for the preservation of his life:

107. ' BHARADWA'JA, eminent in devotion, when he
 ' and his son were almost starved in a dreary forest,
 ' accepted several cows from the carpenter VRIDHU:

108. ' VISWA'MITRA too, than whom none better
 ' knew the distinctions between virtue and vice, re-
 ' solved, when he was perishing with hunger, to eat
 ' the haunch of a dog, which he had received from
 ' a *Chandála*.

109. ' Among *the* acts *generally* disapproved, *namely*,
 ' accepting presents *from low men*, assisting *them* to
 ' sacrifice, and explaining the scripture *to them*, the
 ' receipt of presents is the meanest *in this world*, and
 ' the most-blamed in a *Bráhmen* after his present
 ' life;

110. ' Because assisting to sacrifice and explaining
 ' the scripture are two acts always performed for
 ' those, whose minds have been improved *by the*
 ' *sacred initiation*; but gifts are also received from a
 ' servile man of the lowest class.

111. ' The

111. ' The guilt, incurred by assisting *low men* to sacrifice and by teaching *them* the scripture, is removed by repetitions of the *gáyatrì* and oblations to fire; but that, incurred by accepting gifts *from them*, is expiated only by abandoning the gifts and by rigorous devotion. CHAP. X.

112. ' It were better for a *Bráhmén*, who could not maintain himself, to glean ears and grains after harvest from *the field* of any person whatever : gleaning whole ears would be better than accepting a present, and picking up single grains would be still more laudable.

113. ' *Bráhméns*, who keep house, and are in want of any metals *except gold and silver*, or of other articles *for good uses*, may ask the king for them, if he be of the military class ; but a king, *known to be avaricious and* unwilling to give, must not be solicited.

114. ' The foremost, *in order*, of these things may be received more innocently than that, which follows it : a field untilled, a tilled field, cows, goats, sheep, precious metals or gems, new grain, dressed grain.

115. ' THERE are seven virtuous means of acquiring property ; succession, occupancy or donation, and purchase or exchange, *which are allowed to all classes* ; conquest, *which is peculiar to the military class* ; lending at interest, husbandry or commerce, *which belong to the mercantile class* ; and acceptance of presents, *by the sacerdotal class*, from respectable men.

116. ' Learning,

116. ' Learning, *except that contained in the scriptures, art, as mixing perfumes and the like, work for wages, menial service, attendance on cattle, traffick, agriculture, content with little, alms, and receiving high interest on money, are ten modes of subsistence in times of distress.*

117. ' Neither a priest nor a military man, *though distressed, must receive interest on loans, but each of them, if he please, may pay the small interest permitted by law, on borrowing for some pious use, to the sinful man, who demands it.*

118. ' A MILITARY king, who takes even a fourth part of the crops of his realm at a time of urgent necessity, *as of war or invasion, and protects his people to the utmost of his power, commits no sin:*

119. ' His peculiar duty is conquest, and he must not recede from battle; so that, while he defends by his arms the merchant and husbandman, he may levy the legal tax *as the price of protection.*

120. ' The tax on the mercantile class, *which in times of prosperity must be only a twelfth part of their crops, and a fiftieth of their personal profits, may be an eighth of their crops in a time of distress, or a sixth, which is the medium, or even a fourth in great publick adversity; but a twentieth of their gains on money, and other moveables, is the highest tax: serving men, artisans, and mechanicks must assist by their labour, but at no time pay taxes.*

121. ' IF

121. ' If a *Súdra* want a subsistence and cannot CHAP.
 ' attend a priest, he may serve a *Cshatriya*; or, if he X.
 ' cannot wait on a soldier by birth, he may gain his
 ' livelihood by serving an opulent *Vaisya*.

122. ' To him, who serves *Bráhmens* with a view
 ' to a heavenly reward, or even with a view to both
 ' this life and the next, the union of the word *Bráh-*
 ' men with his name of servant will assuredly bring
 ' success.

123. ' Attendance on *Bráhmens* is pronounced the
 ' best work of a *Súdra*: whatever else he may per-
 ' form will comparatively avail him nothing.

124. ' They must allot him a fit maintenance ac-
 ' cording to their own circumstances, after considering
 ' his ability, his exertions, and the number of those,
 ' whom he must provide with nourishment:

125. ' What remains of their dressed rice must be
 ' given to him; and apparel which they have worn,
 ' and the refuse of their grain, and their old house-
 ' hold furniture.

126. ' THERE is no guilt in a man of the servile
 ' class who eats leeks and other forbidden vegetables:
 ' he must not have the sacred investiture: he has no
 ' business with the duty of making oblations to fire
 ' and the like; but there is no prohibition against his
 ' offering dressed grain as a sacrifice, by way of dis-
 ' charging his own duty.

127. ' Even *Súdras*, who are anxious to perform
 ' their

‘ their entire duty, and, knowing what they should perform, imitate the practice of good men *in the household sacraments*, but without any holy text, *except those containing praise and salutation*, are so far from sinning, that they acquire just applause :

128. ‘ As a *Súdra*, without injuring another man, performs the *lawful* acts of the twice-born, even thus, without being censured, he gains exaltation in this world and in the next.

129. ‘ No *superfluous* collection of wealth must be made by a *Súdra*, even though he has power to *make it*, since a servile man, who has amassed riches, *becomes proud, and, by his insolence or neglect*, gives pain even to *Bráhmens*.

130. ‘ SUCH, as have been fully declared, are the several duties of the four classes in distress for subsistence ; and, if they perform them exactly, they shall attain the highest beatitude.

131. ‘ Thus has been propounded the system of duties, religious and civil, ordained for all classes : I next will declare the pure law of expiation for sin.’

CHAP. XI.

On Penance and Expiation.

1. ‘ HIM, who intends to marry for the sake of
‘ having issue; him, who wishes to make a sacrifice;
‘ him, who travels; him, who has given all his wealth
‘ at a sacred rite; him, who desires to maintain his
‘ preceptor, his father, or his mother; him, who
‘ needs a maintenance for himself, when he first reads
‘ the *Védas*; and him, who is afflicted with illness;

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2. ‘ These nine *Bráhmens* let mankind consider as
‘ virtuous mendicants, called *snátacas*; and, to relieve
‘ their wants, let gifts of *cattle or gold* be presented
‘ to them in proportion to their learning:

3. ‘ To these most excellent *Bráhmens* must rice
‘ also be given, with holy presents *at oblations to*
‘ *fire and within the consecrated circle*; but the dressed
‘ rice, which others are to receive, must be delivered
‘ on the outside of the sacred hearth: *gold and the*
‘ *like may be given any where.*

4. ‘ On such *Bráhmens* as well know the *Véda*, let
‘ the king bestow, as it becomes him, jewels of all
‘ sorts, and the solemn reward for officiating at the
‘ sacrifice.

5. ‘ HE, who has a wife, and, having begged mo-

P. ' ney to defray his nuptial expences, marries another
' woman, shall have no advantage but sensual enjoy-
' ment: the offspring belongs to the bestower of the
' gift.

6. ' LET every man, according to his ability, give
' wealth to *Bráhmens* detached from the world and
' learned in scripture: such a giver shall attain hea-
' ven after this life.

7. ' HE alone is worthy to drink the juice of the
' moon-plant, who keeps a provision of grain suf-
' ficient to supply those, whom the law commands
' him to nourish, for the term of three years or
' more;

8. ' But a twice-born man, who keeps a less provi-
' sion of grain, yet presumes to taste the juice of the
' moon-plant, shall gather no fruit from that sacra-
' ment, even though he taste it at the first, or so-
' lemn, much less at any occasional, ceremony.

9. ' HE, who bestows gifts on strangers, *with a*
' *view to worldly fame*, while he suffers his family to
' live in distress, though he has power to support
' them, touches his lips with honey, but swallows poi-
' son; such virtue is counterfeit:

10. ' Even what he does for the sake of his future
' spiritual body, to the injury of those, whom he is
' bound to maintain, shall bring him ultimate misery
' both in this life and in the next.

11. ' SHOULD a sacrifice, performed by any twice-
' born

‘ born sacrificer, and by a *Bráhmén* especially, be
 ‘ imperfect from the want of some ingredient, during
 ‘ the reign of a prince, who knows the law,

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12. ‘ Let him take that article, for the completion
 ‘ of the sacrifice, from the house of any *Vaisya*, who
 ‘ possesses considerable herds, but neither sacrifices,
 ‘ nor drinks the juice of the moon-plant :

13. ‘ If such a *Vaisya* be not near, he may take
 ‘ two or three such necessary articles at pleasure
 ‘ from the house of a *Súdra*; since a *Súdra* has no
 ‘ business with solemn rites.

14. ‘ Even from the house of a *Bráhmén* or a *Csha-*
 ‘ *triya*, who possesses a hundred cows, but has no
 ‘ consecrated fire, or a thousand cows, but performs
 ‘ no sacrifice *with the moon-plant*, let a priest with-
 ‘ out scruple take *the articles wanted*.

15. ‘ From another *Bráhmén*, who continually re-
 ‘ ceives presents but never gives, let him take such
 ‘ ingredients of the sacrifice, if not bestowed *on re-*
 ‘ *quest*: so shall his fame be spread abroad, and his
 ‘ habits of virtue increase.

16. ‘ Thus, likewise, may a *Bráhmén*, who has not
 ‘ eaten at the time of six meals, *or has fasted three*
 ‘ *whole days*, take at the time of the seventh meal,
 ‘ *or on the fourth morning*, from the man, who behaves
 ‘ basely *by not offering him food*, enough to supply
 ‘ him till the morrow :

17. ‘ He may take it from the floor, where the grain

‘ is trodden out of the husk, or from the field, or
 ‘ from the house, or from any place whatever; but,
 ‘ if the owner ask *why he takes it*, the cause of the
 ‘ taking must be declared.

18. ‘ The wealth of a virtuous *Bráhmén* must at no
 ‘ time be seized by a *Cshatriya*; but, having no other
 ‘ means *to complete a sacrifice*, he may take the
 ‘ goods of any man, who acts wickedly, and of any,
 ‘ who performs not his religious duties:

19. ‘ He, who takes property from the bad *for the*
 ‘ *purpose before-mentioned*, and bestows it on the good,
 ‘ transforms himself into a boat, and carries both *the*
 ‘ *good and the bad* over a sea of calamities.

20. ‘ Wealth, possessed by men for the performance
 ‘ of sacrifices, the wise call the property of the
 ‘ gods; but the wealth of men, who perform no
 ‘ sacrifice, they consider as the property of demons.

21. ‘ Let no pious king fine the man, *who takes by*
 ‘ *stealth or by force what he wants to make a sa-*
 ‘ *crifice perfect*; since it is the king’s folly, that
 ‘ causes the hunger or wants of a *Bráhmén*:

22. ‘ Having reckoned up the persons, whom the
 ‘ *Bráhmén* is obliged to support, having ascertained
 ‘ his divine knowledge and moral conduct, let the
 ‘ king allow him a suitable maintenance from his
 ‘ own household;

23. ‘ And, having appointed him a maintenance, let
 ‘ the king protect him on all sides; for he gains
 ‘ from

‘ from the *Bráhmén* whom he protects, a sixth part
 ‘ of the reward for his virtue. CHAP. XI.

24. ‘ LET no *Bráhmén* ever beg a gift from a *Súdra* ;
 ‘ for, if he perform a sacrifice after such begging,
 ‘ he shall, in the next life, be born a *Chandála*.

25. ‘ The *Bráhmén* who begs any articles for a
 ‘ sacrifice, and disposes not of them all for that
 ‘ purpose, shall become a kite or a crow for a hun-
 ‘ dred years.

26. ‘ Any evil-hearted wretch, who, through cove-
 ‘ tousness, shall seize the property of the gods or
 ‘ of *Bráhméns*, shall feed in another world on the
 ‘ orts of vultures.

27. ‘ THE sacrifice *Vaiswánarí* must be constantly
 ‘ performed on the first day of the new year, or on
 ‘ the new moon of *Chaitra*, as an expiation for hav-
 ‘ ing omitted, through mere forgetfulness, the ap-
 ‘ pointed sacrifices of cattle and the rites of the
 ‘ moon-plant :

28. ‘ But a twice-born man, who, without necessity,
 ‘ does an act allowed only in a case of necessity,
 ‘ reaps no fruit from it hereafter : thus has it been
 ‘ decided.

29. ‘ By the *Viswédévas*, by the *Sádhyas*, and by
 ‘ eminent *Rishis* of the sacerdotal class, the substitute
 ‘ was adopted for the principal act, when they were
 ‘ apprehensive of dying in times of imminent peril ;

30. ‘ But no reward is prepared in a future state
 ‘ for

P. ' for that ill-minded man, who, when able to perform
' the principal sacrifice, has recourse to the substitute.

31. ' A PRIEST, who well knows the law, needs not
' complain to the king of any grievous injury; since,
' even by his own power, he may chastise those, who
' injure him:

32. ' His own power, *which depends on himself alone*,
' is mightier than the royal power, *which depends on*
' *other men*: by his own might, therefore, may a
' *Bráhmén* coerce his foes.

33. ' He may use, without hesitation, the power-
' ful charms revealed to AT'HARVAN, and *by him* to
' ANGIRAS; for speech is the weapon of a *Bráhmén*:
' with that he may destroy his oppressors.

34. ' A soldier may avert danger from himself by
' the strength of his arm; a merchant and a me-
' chanick, by their property; but the chief of the
' twice-born, by holy texts and oblations to fire.

35. ' A priest, who performs his duties, who justly
' corrects *his children and pupils*, who advises expia-
' tions for sin, and who loves all animated creatures,
' is truly called a *Bráhmén*: to him let no man say
' any thing unpropitious, nor use any offensive lan-
' guage.

36. ' Let not a girl, nor a young woman *married*
' *or unmarried*, nor a man with little learning, nor a
' dunce, perform an oblation to fire; nor a man dis-
' eased, nor one uninvested *with the sacrificial string*;

37. ' Since

37. ‘ Since any of those persons, who make such
 ‘ an oblation, shall fall into a region of torture, to-
 ‘ gether with him, who suffers his hearth to be used :
 ‘ he alone, who perfectly knows the sacred ordinances,
 ‘ and has read all the *Védas*, must officiate at an
 ‘ oblation to holy fire.

38. ‘ A *Bráhmén* with abundant wealth, who presents
 ‘ not the priest, that hallows his fire, with a horse
 ‘ consecrated to PRAJA’PATI, becomes equal to one
 ‘ who has no fire hallowed.

39. ‘ Let him, who believes the scripture, and keeps
 ‘ his organs in subjection, perform all other pious
 ‘ acts; but never in this world let him offer a sa-
 ‘ crifice with trifling gifts to the officiating priest :

40. ‘ The organs of sense and action, reputation *in*
 ‘ *this life*, a heavenly mansion *in the next*, life *itself*,
 ‘ a great name *after death*, children and cattle, are
 ‘ all destroyed by a sacrifice. offered with trifling
 ‘ presents: let no man, therefore, sacrifice without
 ‘ liberal gifts.

41. ‘ THE priest, who keeps a sacred hearth, but
 ‘ voluntarily neglects *the morning and evening obla-*
 ‘ *tions* to his fires, must perform, *in the manner to*
 ‘ *be described*, the penance *chándráyana* for one month ;
 ‘ since that *neglect* is equally sinful with the slaughter
 ‘ of a son.

42. ‘ They, who receive property from a *Súdra* for
 ‘ the performance of rites to consecrated fire, are con-
 ‘ temned,

P. 'temned, as ministers of the base, by all such as
'pronounce texts of the *Véda* :

43. 'Of those ignorant priests, who serve the holy
'fire for the wealth of a *Súdra*, the giver shall always
'tread on the foreheads, and thus pass over miseries
'in the gloom of death.

44. 'EVERY man, who does not an act prescribed,
'or does an act forbidden, or is guilty of excess,
'even in legal gratifications of the senses, must per-
'form an expiatory penance.

45. 'Some of the learned consider an expiation as
'confined to involuntary sin ; but others, from the
'evidence of the *Véda*, hold it effectual even in the
'case of a voluntary offence :

46. 'A sin, involuntarily committed, is removed by
'repeating certain texts of the scripture ; but a sin
'committed intentionally, through strange infatuation,
'by harsh penances of different sorts.

47. 'If a twice-born man, by the will of God in
'this world, or from his natural birth, have any cor-
'poreal mark of an expiable sin committed in this or
'a former state, he must hold no intercourse with
'the virtuous, while his penance remains unperformed.

48. 'Some evil-minded persons, for sins committed
'in this life, and some for bad actions in a preced-
'ing state, suffer a morbid change in their bodies :

49. 'A stealer of gold from a *Bráhma*n has whit-
'lows

‘ lows on his nails; a drinker of spirits, black teeth; CHAP.
 ‘ the slayer of a *Bráhmén*, a marasmus; the violator XI
 ‘ of his *guru’s* bed, a deformity in the generative
 ‘ organs;

50. ‘ A malignant informer, fetid ulcers in his nos-
 ‘ trils; a false detractor, stinking breath; a stealer of
 ‘ grain, the defect of some limb; a mixer of *bad*
 ‘ wares with good, some redundant member;

51. ‘ A stealer of dressed grain, dyspepsia; a stealer
 ‘ of holy words, *or an unauthorized reader of the scrip-*
 ‘ *tures*, dumbness; a stealer of clothes, leprosy; a
 ‘ horse-stealer, lameness;

52. ‘ The stealer of a lamp, total blindness; the
 ‘ mischievous extinguisher of it, blindness in one eye;
 ‘ a delighter in hurting sentient creatures, perpetual
 ‘ illness; an adulterer, windy swellings in his limbs:

53. ‘ Thus, according to the diversity of actions,
 ‘ are born men despised by the good, stupid, dumb,
 ‘ blind, deaf, and deformed.

54. ‘ Penance, therefore, must invariably be per-
 ‘ formed for the sake of expiation; since they, who
 ‘ have not expiated their sins, will again spring to
 ‘ birth with disgraceful marks.

55. ‘ KILLING a *Bráhmén*, drinking forbidden liquor,
 ‘ stealing gold from a priest, adultery with the wife
 ‘ of a father, *natural or spiritual*, and associating with
 ‘ such as commit those offences, wise legislators must
 ‘ declare to be crimes in the highest degree, in re-
 ‘ spect

AP. ' *spect of those after mentioned, but less than incest in*
 ' *a direct line, and some others.*

56. ' FALSE boasting of a high tribe, malignant information, before the king, *of a criminal who must suffer death*, and falsely accusing a spiritual preceptor, are crimes in the second degree, and nearly equal to killing a *Bráhmén*.

57. ' Forgetting the texts of scripture, showing contempt of the *Véda*, giving false evidence *without a bad motive*, killing a friend *without malice*, eating things prohibited, or, *from their manifest impurity*, unfit to be tasted, are six crimes nearly equal to drinking spirits; *but perjury and homicide require in atrocious cases the harshest expiation.*

58. ' To appropriate a thing deposited or lent for a time, a human creature, a horse, precious metals, a field, a diamond, or any other gem, is nearly equal to stealing the gold of a *Bráhmén*.

59. ' Carnal commerce with sisters by the same mother, with little girls, with women of the lowest mixed class, or with the wives of a friend or of a son, the wise must consider as nearly equal to a violation of the paternal bed.

60. ' SLAYING a bull or cow, sacrificing what ought not to be sacrificed, adultery, selling oneself, deserting a preceptor, a mother, a father, or a son, omitting to read the scripture, and neglect of the fires *prescribed by the Dhermasástra only.*

61. ' The

61. ' The marriage of a younger brother before the
 ' elder, and ~~that~~ elder's omission to marry before the
 ' younger, giving a daughter to either of them, and
 ' officiating at their nuptial sacrifice,

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 XI.

62. ' Defiling a damsel, usury, want of perfect
 ' chastity in a student, selling a holy pool or garden,
 ' a wife, or a child,

63. ' Omitting the sacred investiture, abandoning a
 ' kinsman, teaching the *Vēda* for hire, learning it
 ' from a hired teacher, selling commodities, that ought
 ' not to be sold,

64. ' Working in mines of any sort, engaging in
 ' dykes, bridges, or other great mechanical works,
 ' spoiling medicinal plants *repeatedly*, subsisting by the
 ' harlotry of a wife, offering sacrifices and preparing
 ' charms to destroy the innocent,

65. ' Cutting down green trees for firewood, per-
 ' forming holy rites with a selfish view merely, and
 ' eating prohibited food *once without a previous design*.

66. ' Neglecting to keep up the consecrated fire,
 ' stealing *any valuable thing besides gold*, non-pay-
 ' ment of *the three* debts, application to the books
 ' of a false religion, and excessive attention to musick
 ' or dancing,

67. ' Stealing grain, base metals, or cattle, fami-
 ' liarity *by the twice-born* with women who have
 ' drunk inebriating liquor, killing *without malice* a wo-
 ' man, a *Sūdra*, a *Vaisya*, or a *Cshatriya*, and denying

HAP. ' a future state of rewards and punishments, are all
 XL. ' crimes in the third degree, *but higher or lower ac-*
 ' *cording to circumstances.*

68. ' GIVING pain to a *Bráhmén*, smelling at any
 ' spirituous liquor or any thing *extremely fetid and*
 ' *unfit to be smelt, cheating, and unnatural practices*
 ' with a male, are considered as causing a loss of
 ' class.

69. ' To kill an ass, a horse, a camel, a deer, an
 ' elephant, a goat, a sheep, a fish, a snake, or a
 ' buffalo, is declared an offence, which degrades the
 ' killer to a mixed tribe.

70. ' ACCEPTING presents from despicable men, ille-
 ' gal traffick, attendance on a *Súdra*-master, and
 ' speaking falsehood, must be considered as causes of
 ' exclusion from social repasts.

71. ' KILLING an insect, small or large, a worm, or
 ' a bird, eating what has been brought *in the same*
 ' *basket* with spirituous liquor, stealing fruit, wood, or
 ' flowers, and great perturbation of mind *on trifling*
 ' *occasions*, are offences which cause defilement.

72. ' You shall now be completely instructed in
 ' those penances, by which all the sins just men-
 ' tioned are expiable.

73. ' If a *Bráhmén* have killed a man of the sa-
 ' cerdotal class, *without malice prepense, the slayer*
 ' *being far superiour to the slain in good qualities*, he
 ' must himself make a hut in a forest and dwell in
 ' it

‘ it twelve whole years, subsisting on alms for the
 ‘ purification of his soul, placing near him, as a to-
 ‘ ken of his crime, the skull of the slain, if he can
 ‘ procure it, or, if not, any human skull. The time of
 ‘ penance for the three lower classes must be twenty
 ‘ four, thirty six, and forty eight, years.

CHAP.
 XI.

74. ‘ Or, if the slayer be of the military class, he
 ‘ may voluntarily expose himself as a mark to archers,
 ‘ who know his intention; or, according to circum-
 ‘ stances, may cast himself head-long thrice, or even
 ‘ till he die, into blazing fire.

75. ‘ Or, if he be a king, and slew a priest with-
 ‘ out malice or knowledge of his class, he may per-
 ‘ form, with presents of great wealth, one of the fol-
 ‘ lowing sacrifices; an *Aswamédha*, or a *Swerjit*, or a
 ‘ *Gósava*, or an *Abhijit*, or a *Viswajit*, or a *Trivrit*,
 ‘ or an *Agnishtut*.

76. ‘ Or, to expiate the guilt of killing a priest
 ‘ without knowing him and without design, the killer
 ‘ may walk on a pilgrimage a hundred *yójanas*, re-
 ‘ peating any one of the *Védas*, eating barely enough
 ‘ to sustain life, and keeping his organs in perfect
 ‘ subjection;

77. ‘ Or, if in that case the slayer be unlearned
 ‘ but rich, he may give all his property to some
 ‘ *Bráhmen* learned in the *Véda*, or a sufficiency of
 ‘ wealth for his life, or a house and furniture to hold
 ‘ while he lives:

78. ‘ Or

P. 78. ' Or, eating only such wild grains as are offered to the gods, he may walk to *the head of* the river *Saraswatì* against the course of the stream; or, subsisting on very little food, he may thrice repeat the whole collection of *Védas*, or the *Rich*, *Yajush*, and *Sáman*.

79. ' Or, his hair being shorn, he may dwell near a town, or on pasture-ground for cows, or in some holy place, or at the root of a sacred tree, taking pleasure in doing good to cows and to *Bráhmens*:

80. ' There, for the preservation of a cow or a *Bráhmen*, let him instantly abandon life; since the preserver of a cow or a *Bráhmen* atones for the crime of killing a priest:

81. ' Or, by attempting at least three times forcibly to recover *from robbers* the property of a *Bráhmen*, or by recovering it in one of his attacks, or even by losing his life in the attempt, he atones for his crime.

82. ' Thus, continually firm in religious austerity, chaste as a student in the first order, with his mind intent on virtue, he may expiate the guilt of *undesignedly* killing a *Bráhmen*, after the twelfth year has expired.

83. ' Or, if a virtuous *Bráhmen* unintentionally kill another, who had no good quality, he may atone for his guilt by proclaiming it in an assembly of priests and military men, at the sacrifice of a horse, and
' by

‘ by bathing with other *Bráhmens* at the close of
 ‘ the sacrifice : CHAP.
 XI.

84. ‘ *Bráhmens* are declared to be the basis, and
 ‘ *Cshatriyas* the summit, of the legal system: he,
 ‘ therefore, expiates his offence by fully proclaiming
 ‘ it in such an assembly.

85. ‘ From his high birth alone, a *Bráhmen* is an
 ‘ object of veneration even to deities; his declarations
 ‘ to mankind are decisive evidence; and the *Véda*
 ‘ itself confers on him that character.

86. ‘ Three at least, who are learned in the *Veda*,
 ‘ should be assembled to declare the proper expia-
 ‘ tion for the sin of a priest, but, for the three other
 ‘ classes, the number must be doubled, tripled, and
 ‘ quadrupled: what they declare shall be an atone-
 ‘ ment for sinners; since the words of the learned
 ‘ give purity.

87. ‘ Thus a *Bráhmen*, who has performed one of
 ‘ the preceding expiations, according to the circum-
 ‘ stances of the homicide and the characters of the per-
 ‘ sons killed and killing, with his whole mind fixed
 ‘ on God, purifies his soul, and removes the guilt of
 ‘ slaying a man of his own class:

88. ‘ He must perform the same penance for killing
 ‘ an embryo, the sex of which was unknown, but whose
 ‘ parents were sacerdotal, or a military or a commer-
 ‘ cial man employed in a sacrifice, or a *Bráhmen*-wo-
 ‘ man, who has bathed after temporary uncleanness;
 89 ‘ And

P. 89. ' And *the same* for giving false evidence in a
 ' cause, concerning land or gold, or precious commo-
 ' dities, and for accusing his preceptor unjustly, and
 ' for appropriating a deposit, and for killing the wife
 ' of a priest, *who keeps a consecrated fire*, or for slay-
 ' ing a friend.

90. ' Such is the atonement ordained for killing a
 ' priest *without malice*; but for killing a *Bráhmén* with
 ' malice prepense, this is no expiation: *the term of*
 ' *twelve years must be doubled, or, if the case was*
 ' *atrocious, the murderer must actually die in flames*
 ' *or in battle.*

91. ' ANY twice-born man, who has *intentionally*
 ' drunk spirit of rice, through perverse delusion of
 ' mind, may drink more spirit in flame, and atone
 ' for his offence by severely burning his body;

92. ' Or he may drink boiling hot, until he die,
 ' the urine of a cow, or pure water, or milk, or
 ' clarified butter, or juice expressed from cow-dung:

93. ' Or, *if he tasted it unknowingly*, he may ex-
 ' piate the sin of drinking spirituous liquor, by eat-
 ' ing only some broken rice or grains of *tila*, from
 ' which oil has been extracted, once every night for
 ' a whole year, wrapped in coarse vesture of hairs
 ' from a cow's tail, *or sitting unclothed in his house*,
 ' wearing his locks and beard uncut, and putting out
 ' the flag of a tavern-keeper.

94. ' Since the spirit of rice is *distilled from the*
 ' *Mala*, or filthy refuse, of the grain, and since *Mala*
 ' is

‘ is also a name for sin, let no *Bráhmén*, *Cshatriya* CHAP.
 ‘ or *Vaisya* drink that spirit. XI.

95. ‘ Inebriating liquor may be considered as of
 ‘ three *principal* sorts: that extracted from dregs of
 ‘ sugar, that extracted from bruised rice, and that
 ‘ extracted from the flowers of the *Madhúca*: as one,
 ‘ so *are* all; they shall not be tasted by the chief
 ‘ of the twice-born.

96. ‘ Those liquors, and *eight* other sorts, with the
 ‘ flesh of animals, and *A’sava*, the most pernicious be-
 ‘ verage, prepared with narcotick drugs, are swallowed
 ‘ at the juncates of *Yacshas*, *Racshases*, and *Pisáchas*.
 ‘ they shall not, therefore, be tasted by a *Bráhmén*,
 ‘ who feeds on clarified butter offered to gods.

97. ‘ A *Bráhmén*, stupefied by drunkenness, might
 ‘ fall on something very impure, or might even, when
 ‘ intoxicated, pronounce a *secret* phrase of the *Véda*,
 ‘ or might do some other act, which ought not to be
 ‘ done.

98. ‘ When the divine spirit, or the light of holy
 ‘ knowledge, which has been infused into his body,
 ‘ has once been sprinkled with any intoxicating liquor,
 ‘ even his priestly character leaves him, and he sinks
 ‘ to the low degree of a *Súdra*.

99. ‘ Thus have been promulgated the various modes
 ‘ of expiation for drinking spirits: I will next pro-
 ‘ pound the atonement for stealing the gold of a
 ‘ priest to the amount of a *suverna*.

AP. 100. ' HE, who has purloined the gold of a *Bráhm*-
I. ' *men*, must hasten to the king, and proclaim his of-
' fence; adding " Inflict on me the punishment due
' to my crime."

101. ' Then shall the king himself, taking *from him*
' an iron mace, *which the criminal must bear on his*
' *shoulder*, strike him with it once; and by that
' stroke, *whether he die or be only left as dead*, the
' thief is released from sin: a *Bráhmén*, by rigid pe-
' nance alone *can expiate that offence*; another twice-
' born man may also perform such a penance at his
' election.

102. ' The twice-born man, who desires to remove
' by austere devotion the taint caused by stealing
' gold, must perform in a forest, covered with a
' mantle of rough bark, the penance *before ordained*
' for him, who *without malice prepense* has killed a
' *Bráhmén*.

103. ' By these expiations may the twice-born atone
' for the guilt of stealing *gold from a priest*; but the
' sin of adultery with the wife of a father, *natural*
' *or spiritual*, they must expiate by the following pe-
' nances.

104. ' HE, who *knowingly and actually* has defiled
' the wife of his father, *she being of the same class*,
' must extend himself on a heated iron bed, loudly
' proclaiming his guilt; and, there embracing the red
' hot iron image of a woman, he shall atone for his
' crime by death:

105. ' Or,

105. ‘ Or, having himself amputated his penis and CHAP.
 ‘ scrotum, and holding them in his fingers, he may XI.
 ‘ walk in a direct path toward the south-west, or the
 ‘ region of NIRRIṬI, until he fall dead on the ground:

106. ‘ Or, *if he had mistaken her for another woman*,
 ‘ he may perform for a whole year, with intense ap-
 ‘ plication of mind, the penance *prājāpatya*, with part
 ‘ of a bed, *or a human bone*, in his hand, wrapped
 ‘ in vesture of coarse bark, letting his hair and beard
 ‘ grow, and living in a deserted forest:

107. ‘ Or, *if she was of a lower class and a corrupt*
 ‘ *woman*, he may expiate the sin of violating the bed
 ‘ of his father, by continuing the penance *chāndrāya-*
 ‘ *na* for three months, always mortifying his body by
 ‘ eating only forest herbs, or wild grains boiled in
 ‘ water.

108. ‘ By the preceding penances may sinners of
 ‘ the *two* higher degrees atone for their guilt; and
 ‘ the less offenders may expiate theirs by the follow-
 ‘ ing austerities.

109. ‘ HE, who has committed the smaller offence
 ‘ of killing a cow *without malice*, must drink for the
 ‘ first month barley-corns *boiled soft in water*; his
 ‘ head must be shaved *entirely*; and, covered with the
 ‘ hide of the slain cow, he must fix his abode on her
 late pasture ground:

110. ‘ He may eat a moderate quantity of wild
 ‘ grains, but without any factitious salt, for the next

‘ two months at the time of each fourth repast, *on the evening of every second day*; regularly bathing in the urine of cows, and keeping his members under controul :

111. ‘ All day he must wait on the herd, and stand quaffing the dust raised *by their hoofs*; at night, having servilely attended *and stroked* and saluted them, *he must surround them with a fence*, and sit near *to guard* them :

112. ‘ Pure and free from passion, he must stand, while they stand; follow them, when they move together; and lie down by them, when they lie down :

113. ‘ Should a cow be sick or terrified by tigers or thieves, or fall, or stick in mud, he must relieve her by all possible means :

114. ‘ In heat, in rain, or in cold, or while the blast furiously rages, let him not seek his own shelter, without first sheltering the cows to the utmost of his power :

115. ‘ Neither in his own house, or field, or floor for treading out grain, nor in those of any other person, let him say a word of a cow, who eats *corn or grass*, or of a calf, who drinks *milk* :

116. ‘ By waiting on a herd, according to these rules, for three months, the slayer of a cow atones for his guilt ;

117. ‘ *But*, his penance being performed, he must
‘ give

‘ give ten cows and a bull, or, his stock not being
 ‘ so large, must deliver all he possesses, to such as
 ‘ best know the *Véda*. CHAP. XI.

118. ‘ THE preceding penances, or that called *chán-*
 ‘ *dráyana*, must be performed for the absolution of all
 ‘ twice-born men, who have committed sins of the
 ‘ lower or third degree; except those, who have in-
 ‘ curred the guilt of an *avacérni*;

119. ‘ But he, who has become *Avacérna*, must sa-
 ‘ crifice a black or a one-eyed ass, by way of a meat-
 ‘ offering to NIRRITI, patroness of the south-west, by
 ‘ night, in a place where four ways meet :

120. ‘ Let him daily offer to her in fire the fat of
 ‘ that ass, and, at the close of the ceremony, let him
 ‘ offer clarified butter, with the holy text *Sem* and so
 ‘ forth, to PAVANA, to INDRA, to VRIHASPATI, and to
 ‘ AGNI, regents of wind, clouds, a planet, and fire.

121. ‘ A voluntary effusion, naturally or otherwise,
 ‘ of that which may produce a man, by a twice-born
 ‘ youth during the time of his studentship, or before
 ‘ marriage, has been pronounced *avacérna*, or a vio-
 ‘ lation of the rule prescribed for the first order, by
 ‘ sages, who knew the whole system of duty, and ut-
 ‘ tered the words of the *Véda*.

122. ‘ To the four deities of purification, MA’RUTA,
 ‘ INDRA, VRIHASPATI, AGNI, goes all the divine light,
 ‘ which the *Véda* had imparted, from the student,
 ‘ who commits the foul sin *avacérna*;

123. ‘ But,

123. ' But, this crime having actually been committed, he must go begging to seven houses, clothed only with the hide of the *sacrificed* ass, and openly proclaiming his act

124. ' Eating a single meal begged from them, at the regular time of the day, *that is, in the morning or evening*, and bathing *each day* at the three *savanas*, he shall be absolved from his guilt at the end of one year.

125. ' HE, who has voluntarily committed any sin, which causes a loss of class, must perform the *tormenting* penance, *thence* called *sántapana*; or the *prájápatya*, if he offended involuntarily.

126. ' For sins, which degrade to a mixed class, or exclude from society, the sinner must have recourse to the lunar expiation *chándráyana* for one month: to atone for acts which occasion defilement, he must swallow nothing for three days but hot barley-gruel.

127. ' For killing *intentionally* a *virtuous* man of the military class, the penance must be a fourth part of that ordained for killing a priest; for killing a *Vaisya*, only an eighth; for killing a *Súdra*, who had been constant in *discharging* his duties, a sixteenth part:

128. ' But, if a *Bráhmen* kill a *Cshatriya* without malice, he must, after a full performance of his religious

‘ religious rites, give *the priests* one bull together with
 ‘ a thousand cows; CHAP. XI.

129. ‘ Or he may perform for three years the penance for slaying a *Bráhmén*, mortifying his organs of sensation and action, letting his hair grow long, and living remote from the town, with the root of a tree for his mansion.

130. ‘ If he kill *without malice* a *Vaisya*, who had a good moral character, he may perform the same penance for one year, or give *the priests* a hundred cows and a bull:

131. ‘ For six months must he perform this whole penance, if *without intention* he kill a *Súdra*; or he may give ten white cows and a bull to the priests.

132. ‘ If he kill *by design* a cat, or an ichneumon, the bird *chásha*, or a frog, a dog, a lizard, an owl, or a crow, he must perform the *ordinary* penance required for the death of a *Súdra*, *that is the chán-dráyana*:

133. ‘ Or, *if he kill one of them undesignedly*, he may drink nothing but milk for three days and nights, or *each night* walk a *yójan*, or *thrice* bathe in a river, or silently repeat the text on the divinity of water; *that is, if he be disabled by real infirmity from performing the first mentioned penances*, he may have recourse to the next in order.

134. ‘ A *Bráhmén*, if he kill a snake, must give to
 ‘ some

P. ' some priest a hoe, or iron-headed stick; if an en-
' nuch, a load of rice-straw, and a *máska* of lead;

135. ' If a boar, a pot of clarified butter; if the
' bird *tittiri*, a *dróna* of *tila*-seeds; if a parrot, a
' steer two years old; if the water-bird *crauncha*, a
' steer aged three years:

136. ' If he kill a goose, or a phenicopteros, a
' heron, or cormorant, a bittern, a peacock, an ape,
' a hawk, or a kite, he must give a cow to some
' *Bráhmén*:

137. ' If he kill a horse, he must give a mantle;
' if an elephant, five black bulls; if a goat or a
' sheep, one bull; if an ass, a calf one year old:

138. ' If he kill a carnivorous wild beast, he must
' give a cow with abundance of milk; if a wild
' beast not carnivorous, a fine heifer; and a *racticà*
' of gold, if he slay a camel:

139. ' If he kill a woman of any class caught in
' adultery, he must give as an expiation, in the di-
' rect order of the four classes, a leathern pouch, a
' bow, a goat, and a sheep.

140. ' Should a *Bráhmén* be unable to expiate by
' gifts the sin of killing a snake and the rest, he
' must atone for his guilt by performing, on each
' occasion, the penance *prájápatya*.

141. ' For the slaughter of a thousand small animals
' which have bones, or for that of boneless animals
' enow

‘ enow to fill a cart, he must perform the *chándráyana*, CHAP.
 ‘ or common penance for killing a *Súdra*; XI.

142. ‘ But, for killing boned animals, he must also
 ‘ give some trifle, as a pana of copper, to a *Bráh-*
 ‘ *men*: for killing those without bones, he may be
 ‘ absolved by holding his breath, at the close of his
 ‘ penance, while he thrice repeats the *gáyatrì* with its
 ‘ head, the *pranava*, and the *vyáhrítis*.

143. ‘ For cutting once without malice trees yielding
 ‘ fruit, shrubs with many crowded stems, creeping or
 ‘ climbing plants, or such as grow again when cut,
 ‘ if they were in blossom when he hurt them, he must
 ‘ repeat a hundred texts of the *Véda*.

144. ‘ For killing insects of any sort bred in rice
 ‘ or other grains, or those bred in honey or other
 ‘ fluids, or those bred in fruit or flowers, eating clari-
 ‘ fied butter is a full expiation.

145. ‘ If a man cut, wantonly and for no good pur-
 ‘ pose, such grasses as are cultivated, or such as
 ‘ rise in the forest spontaneously, he must wait on a
 ‘ cow for one day, nourished by milk alone.

146. ‘ By these penances may mankind atone for
 ‘ the sin of injuring sentient creatures, whether com-
 ‘ mitted by design or through inadvertence: hear now
 ‘ what penances are ordained for eating or drinking
 ‘ what ought not to be tasted.

147. ‘ HE, who drinks undesignedly any spirit but
 3 D ‘ that

- [AP. ' *that of rice*, may be absolved by a new investiture
 I. ' with the sacrificial string. even for drinking inten-
 ' tionally *the weaker sorts of spirit*, a penance ex-
 ' tending to death must not (as the law is now fixed)
 ' be prescribed.

148. ' For drinking water which has stood in a
 ' vessel, where spirit of rice or any other spirituous
 ' liquor had been kept, he must swallow *nothing*, for
 ' five *days and nights*, but the plant *sanc'hapushpi*
 ' boiled in milk:

149. ' If he touch any spirituous liquor, or give
 ' any away, or accept any in due form, *or with*
 ' *thanks*, or drink water left by a *Sûdra*, he must
 ' swallow nothing for three *days and nights*, but *cusâ-*
 ' *grass* boiled in water.

150. ' Should a *Brâhmen*, who has once tasted the
 ' holy juice of the moon-plant, even smell the breath
 ' of a man who has been drinking spirits, he must
 ' remove the taint by thrice repeating the *gâyatrî*,
 ' while he suppresses his breath in water, and by
 ' eating clarified butter *after that ceremony*.

151. ' If any of the three twice-born classes have
 ' tasted unknowingly human ordure or urine, or any
 ' thing that has touched spirituous liquor, they must,
 ' *after a penance*, be girt anew with the sacrificial
 ' thread;

152. ' But, in such new investiture of the twice-
 ' born, the partial tonsure, the zone, the staff, the
 ' petition

‘ petition of alms, and the strict rules of abstinence, CHAP.
 ‘ need not be renewed. XI.

153. ‘ SHOULD one of them eat the food of those
 ‘ persons, with whom he ought never to eat, or food
 ‘ left by a woman or a *Súdra*, or any prohibited flesh,
 ‘ he must drink barley-gruel only for seven *days and*
 ‘ nights.

154. ‘ If a *Bráhma*n. drink sweet liquors turned
 ‘ acid, or astringent juices from impure fruits, he be-
 ‘ comes unclean, as long as those fluids remain un-
 ‘ digested.

155. ‘ Any twice-born man, who *by accident* has
 ‘ tasted the dung or urine of a tame boar, an ass,
 ‘ a camel, a shakal, an ape, or a crow, must per-
 ‘ form the penance *chándráyana*.

156. ‘ If he taste dried flesh-meat, or mushrooms
 ‘ rising from the ground, or any thing brought from
 ‘ a slaughter-house, though he knew not whence it
 ‘ came, he must perform the same penance.

157. ‘ For *knowingly* eating the flesh of carnivorous
 ‘ beasts, of town-boars, of camels, of gallinaceous
 ‘ birds, of human creatures, of crows, or of asses,
 ‘ the penance *taptacríh'hra*, or *burning and severe*,
 ‘ is the *only* atonement.

158. ‘ A *Bráhma*n, who, before he has completed
 ‘ his theological studies, eats food at monthly obse-
 ‘ quies *to one ancestor*, must fast three days *and*
 ‘ nights, and sit in water a day:

HAP. 159. ' But a student in theology, who at any time
 XI. * *unknowingly* tastes honey or flesh, must perform
 ' the lowest penance, or the *prájápatya*, and proceed
 ' to finish his studentship.

160. ' Having eaten what has been left by a cat,
 ' a crow, amouse, a dog, or an ichneumon, or what
 ' has even been touched by a louse, he must drink,
 ' *boiled in water*, the plant *brahmasuverchalá*.

161. ' By the man, who seeks purity of soul, no
 ' forbidden food must be tasted: what he has unde-
 ' signedly swallowed he must instantly vomit up, or
 ' must purify himself with speed by legal expiations.

162. ' Such, as have been declared, are the various
 ' penances for eating prohibited food: hear now the
 ' law of penance for an expiation of theft.

163. ' THE chief of the twice-born, having volun-
 ' tarily stolen such property, as grain, raw or dressed,
 ' from the house of another *Bráhmen*, shall be ab-
 ' solved on performing the penance *prájápatya* for a
 ' whole year;

164. ' But the penance *chándráyana* must be per-
 ' formed for stealing a man, woman, or child, for
 ' seizing a field, or a house, or for taking the waters
 ' of an enclosed pool or well.

165. ' Having taken goods of little value from the
 ' house of another man, he must procure absolution
 ' by performing the penance *sántapana*; having first
 ' restored,

‘ restored, *as the penitent thief always must*, the goods that he stole. CHAP. XI.

166. ‘ For taking what may be eaten, or what may be sipped, a carriage, a bed, or a seat, roots, flowers, or fruit, an atonement may be made by swallowing the five *pure* things produced by a cow, or *milk, curds, butter, urine, dung*:

167. ‘ For stealing grass, wood, or trees, rice in the husk, molasses, cloth or leather, *fish, or other* animal food, a strict fast must be kept three *days and three* nights.

168. ‘ For stealing gems, pearls, coral, copper, silver, iron, brass, or stone, nothing but broken rice must be swallowed for twelve days;

169. ‘ And *nothing but* milk for three days, if cotton or silk, or wool had been stolen, or a beast either with cloven or uncloven hoofs, or a bird, or perfumes, or medicinal herbs, or cordage.

170. ‘ By these penances may a twice-born man atone for the guilt of theft; but the following austerities only can remove the sin of carnally approaching those, who must not be carnally approached

171. ‘ HE, who has wasted his manly strength with sisters by the same womb, with the wives of his friend or of his son, with girls under the age of puberty, or with women of the lowest classes must perform the penance ordained for defiling the bed of a preceptor:

172. He,

AP. 172. ' He, who has carnally known the daughter
I. ' of his paternal aunt, *who is almost equal to a sister*,
' or the daughter of his maternal aunt, or the
' daughter of his maternal uncle, *who is a near kins-*
' *man, must perform the chándráyana, or lunar pe-*
' *nance* ;

173. ' No man of sense would take one of those
' three as his wife: they shall not be taken in mar-
' riage by reason of their consanguinity; and he,
' who marries any one of them, falls deep *into sin*.

174. ' He, who has wasted, what might have pro-
' duced a man, with female brute animals, with a
' woman during her courses, or in any but the natu-
' ral part, or in water, must perform the penance *sán-*
' *tapana*: *for a bestial act with a cow the penance*
' *must be far more severe*.

175. ' A twice-born man, dallying lasciviously with
' a male *in any place or at any time*, or with a fe-
' male in a carriage drawn by bullocks, or in water,
' or by day, *shall be degraded, and must bathe him-*
' *self publickly with his apparel*.

176. ' Should a *Bráhmén* carnally know a woman
' of the *Chandála* or *Mléch'ha*-tribes, or taste their
' food, or accept a gift from them, he loses his own
' class, if he acted unknowingly, or, if knowingly,
' sinks to a level *with them*.

177. ' A wife, excessively corrupt, let her husband
' confine to one apartment, and compel her to per-
' form

‘ form the penance ordained for a man, who has com- CHAP.
 ‘ mitted adultery: XI.

178. ‘ If, having been solicited by a man of her
 ‘ own class, she again be defiled, her expiation must
 ‘ be the penance *prájápatya* added to the *chándráyana*.

179. ‘ The guilt of a *Bráhmén*, who has dallied a
 ‘ whole night with a *Chandáli*-woman, he may re-
 ‘ move in three years by subsisting on alms, and in-
 ‘ cessantly repeating the *gáyatrì* with other mys-
 ‘ terious texts.

180. ‘ These penances have been declared for sin-
 ‘ ners of four sorts, *those who hurt sentient creatures*,
 ‘ *those who eat prohibited food*, *those who commit theft*,
 ‘ *and those who are guilty of lasciviousness*: hear now
 ‘ the prescribed expiation for such, as hold any inter-
 ‘ course with degraded offenders.

181. ‘ HE, who associates himself for one year with
 ‘ a fallen sinner, falls like him; not by sacrificing,
 ‘ reading the *Veda*, or contracting affinity with him,
 ‘ *since by those acts he loses his class immediately*, but
 ‘ even by using the same carriage or seat, or by
 ‘ taking his food at the same board:

182. ‘ That man who holds an intercourse with any
 ‘ one of those degraded offenders, must perform, as
 ‘ an atonement for such intercourse, the penance
 ‘ ordained for that sinner himself.

183. ‘ The *sapindas* and *samánódacas* of a man de-
 ‘ graded, *for a crime in the first degree*, must offer
 ‘ a libation

P. ‘ a libation of water *to his manes, as if he were naturally dead*, out of the town, in the evening of some inauspicious day, *as the ninth of the moon*, his paternal kinsmen, his officiating priest, and his spiritual guide being present.

184. ‘ A female slave must kick down with her foot an *old pot filled with water, which had for that purpose been placed before the south*, as if it were an oblation for the dead; and all the kinsmen, in the nearer and remoter degrees, must remain impure for a day and a night:

185. ‘ They must thenceforth desist from speaking to him, from sitting in his company, from delivering to him any inherited or other property, and from every civil or usual attention, *as inviting him on the first day of the year, and the like*.

186. ‘ His right of primogeniture, *if he was an elder brother*, must be withholden from him, and whatever perquisites arise from priority of birth: a younger brother, excelling him in virtue, must appropriate the share of the first-born.

187. ‘ But, when he has performed his due penance, his kinsmen and he must throw down a new vessel full of water, after having bathed together in a pure pool:

188. ‘ Then must he cast that vessel into the water; and, having entered his house, he may perform, as before, all the acts incident to his relation by blood.

189. ‘ The

189. ' The same ceremony must be performed by
 ' the kindred even of women degraded, for whom
 ' clothes, dressed rice, and water must be provided;
 ' and they must dwell *in huts* near the family house. CHAP. XI.

190. ' With sinners, whose expiations are unper-
 ' formed, let not a man transact business of any
 ' kind; but those, who have performed their expia-
 ' tions, let him at no time reproach:

191. ' Let him not, however, live with those, who
 ' have slain children, or injured their benefactors, or
 ' killed suppliants for protection, or put women to
 ' death, even though such offenders have been legally
 ' purified.

192. ' THOSE men of the twice-born classes, to
 ' whom the *gáyatrì* has not been repeated and ex-
 ' plained, according to law, the assembly must cause
 ' to perform three *prájápatya* penances, and *afterwards*
 ' to be girt with the sacrificial string;

193. ' And the same penance they must prescribe
 ' to such twice-born men, as are anxious to atone
 ' for some illegal act, or a neglect of the *Véda*.

194. ' If priests have accepted any property from
 ' base hands, they may be absolved by relinquishing
 ' the presents, by repeating mysterious texts, and by
 ' acts of devotion:

195. ' By three thousand repetitions of the *gáyatrì*
 ' with intense application of mind, and by subsisting
 ' on milk only for a whole month on the pasture

AP. ' of cows, a *Bráhmén*, who has received any gift
 I. ' from a bad man, or a bad gift from any man, may
 ' be cleared from sin.

196. ' When he has been morified by abstinence,
 ' and has returned from the pasturage, let him bend
 ' low to the other *Bráhméns*, who must thus interro-
 ' gate him: " Art thou really desirous, good man, of
 ' readmission to an equality with us?"

197. ' If he answer in the affirmative, let him give
 ' some grass to the cows, and in the place, made
 ' pure by their having eaten on it, let the men of
 ' his class give their assent to his readmission.

198. ' HE, who has officiated at a sacrifice for out-
 ' casts, or burned the corpse of a stranger, or per-
 ' formed rites to destroy the innocent, or made the
 ' impure sacrifice, called *Ahína*, may expiate his guilt
 ' by three *prájápatya* penances.

199. ' A TWICE-BORN man, who has rejected a sup-
 ' pliant for his protection, or taught the *Véda* on a
 ' forbidden day, may atone for his offence by sub-
 ' sisting a whole year on barley alone.

200. ' HE, who has been bitten by a dog, a sha-
 ' kal, or an ass, by any carnivorous animal frequent-
 ' ing a town, by a man, a horse, a camel, or a
 ' boar, may be purified by stopping his breath during
 ' one repetition of the *gáyatrì*.

201. ' To eat only at the time of the sixth meal,
 ' or on the evening of every third day, for a month,
 ' to

‘ to repeat a *Sanhità* of the *Védas*, and to make CHAP.
 ‘ *eight* oblations to fire, accompanied with *eight* holy XI.
 ‘ texts, are always an expiation for those, who are
 ‘ excluded from society at repasts.

202. ‘ SHOULD a *Bráhmén* voluntarily ascend a carriage borne by camels or drawn by asses, or designedly bathe quite naked, he may be absolved by one suppression of breath, while he repeats in his mind the most holy text.

203. ‘ HE, who has made any excretion, being greatly pressed, either without water near him, or in water, may be purified by bathing in his clothes out of town, and by touching a cow.

204. ‘ FOR an omission of the acts, which the *Véda* commands to be constantly performed, and for a violation of the duties prescribed to a housekeeper, the atonement is fasting one day.

205. ‘ HE, who says hush or pish to a *Bráhmén*, or thou to a *superiour*, must immediately bathe, eat nothing for the rest of the day, and appease him by clasping his feet with respectful salutation.

206. ‘ FOR striking a *Bráhmén* even with a blade of grass, or tying him by the neck with a cloth, or overpowering him in argument, and adding contemptuous words, the offender must soothe him by falling prostrate.

207. ‘ AN assaulter of a *Bráhmén*, with intent to
 3 E 2 ‘ kill,

AP. ' kill, shall remain in hell a hundred years; for ac-
I. ' tually striking him *with the like intent*, a thousand;

208 ' As many small pellets of dust as the blood
' of a *Bráhma*n collects on the ground, for so many
' thousand years must the shedder of that blood be
' tormented in hell.

209. ' For a simple assault, the first *or common* pe-
' nance must be performed; for a battery, the *third*
' *or* very severe penance; but for shedding blood,
' *without killing*, both of those penances.

210. ' To remove the sins, for which no particular
' penance has been ordained, the assembly must award
' a fit expiation, considering the ability of the sin-
' ner *to perform it*, and the *nature of the sin*.

211. ' THOSE penances, by which a man may atone
' for his crimes, I now will describe to you; pe-
' nances, which have been performed by deities, by
' holy sages, and by forefathers *of the human race*.

212. ' WHEN a twice-born man performs the *com-*
' *mon* penance, *or that* of PRAJA'PATI, he must for
' three days eat only in the morning; for three days,
' only in the evening; for three days, food unasked
' *but presented to him*; and for three more days, no-
' thing.

213. ' Eating *for a whole day* the dung and urine
' of cows mixed with curds, milk, clarified butter,
' and water boiled with *cusa*-grass, and then fasting
' entirely for a *day and a night*, is the penance
' called

‘ called *Sántapana*, (either from the devout man SAN- CHAP.
‘ TAPANA, or from *tormenting*). XI.

214. ‘ A twice-born man performing the penance,
‘ called very severe, *in respect of the common*, must
‘ eat, as before, a single mouthful, *or a ball of rice*
‘ *as large as a hen’s egg*, for three times three days;
‘ and for the last three days, must wholly abstain
‘ from food.

215. ‘ A *Bráhmén*, performing the ardent penance,
‘ must swallow nothing but hot water, hot milk, hot
‘ clarified butter, and hot steam, each of them for
‘ three days successively, performing an ablution and
‘ mortifying all his members.

216. ‘ A total fast for twelve days *and nights*,. by
‘ a penitent with his organs controlled and his mind
‘ attentive, is the penance named *pardá*, which ex-
‘ piates all *degrees* of guilt.

217. ‘ If he diminish his food by one mouthful *each*
‘ *day*, during the dark fortnight, *eating fifteen mouth-*
‘ *fuls on the day of the opposition*, and increase it,
‘ *in the same proportion*, during the bright fortnight,
‘ *fasting entirely on the day of the conjunction*, and
‘ perform an ablution regularly at sunrise, noon, and
‘ sunset, this is the *chándráyana*, or the lunar pe-
‘ nance :

218. ‘ Such is the *penance* called ant-shaped or *nar-*
‘ *row in the middle*; but, if he perform the barley-
‘ shaped, or *broad in the middle*, he must observe the
‘ same

AP. ' same rule, beginning with the bright half-month,
 I. ' and keeping under command his organs of action
 ' and sense.

219. ' To perform the lunar penance of an ancho-
 ' ret, he must eat only eight mouthfuls of forest
 ' grains at noon *for a whole month*, taking care to
 ' subdue his mind.

220. ' If a *Bráhmén* eat only four mouthfuls at sun-
 ' rise, and four at sunset, *for a month*, keeping his
 ' organs controlled, he performs the lunar penance of
 ' children.

221. ' He, who, for a whole month, eats no more
 ' than thrice eighty mouthfuls of wild grains, *as he*
 ' *happens* by any means *to meet with them*, keeping
 ' his organs in subjection, shall attain the same abode
 ' with the regent of the moon:

222. ' The *eleven Rudras*, the *twelve Ádityas*, the
 ' *eight Vasus*, the *Maruts*, or genii of the winds, and
 ' the *seven great Riskis*, have performed this lunar
 ' penance as a security from all evil.

223. ' The oblation of *clarified butter* to fire must
 ' every day be made by *the penitent* himself, accom-
 ' panied with the mighty words, *earth, sky, heaven*;
 ' he must perfectly abstain from injury to sentient
 ' creatures, from falsehood, from wrath, and from all
 ' crooked ways.

224. ' Or, thrice each day, and thrice each night
 ' for a month, the penitent may plunge into water
 ' clothed

‘ clothed in his mantle, and at no time conversing
 ‘ with a woman, a *Súdra*, or an outcast. CHAP. XI.

225. ‘ LET him be always in motion, sitting and
 ‘ rising alternately, or, if unable to be thus restless,
 ‘ let him sleep low on the bare ground; chaste as a
 ‘ student of the *Véda*, bearing the sacred zone and
 ‘ staff, showing reverence to his preceptor, to the
 ‘ gods, and to priests;

226. ‘ Perpetually must he repeat the *gáyatrî*, and
 ‘ other pure texts to the best of his knowledge:
 ‘ thus in all penances for absolution from sin, must
 ‘ he vigilantly employ himself.

227. ‘ By these expiations are twice-born men ab-
 ‘ solved whose offences are publicly known, and are
 ‘ mischievous by their example; but for sins not pub-
 ‘ lick, the assembly of priests must award them
 ‘ penances, with holy texts and oblations to fire.

228. ‘ By open confession, by repentance, by de-
 ‘ votion, and by reading the scripture, a sinner may
 ‘ be released from his guilt; or by alms-giving, in
 ‘ case of his inability to perform the other acts of re-
 ‘ ligion.

229. ‘ In proportion as a man, who has committed
 ‘ a sin, shall truly and voluntarily confess it, so far
 ‘ he is disengaged from that offence, like a snake
 ‘ from his slough;

230. ‘ And, in proportion as his heart sincerely
 ‘ loathes

AP. ' loathes his evil deed, so far shall his vital spirit
I. ' be freed from the taint of it.

231. ' If he commit sin, and actually repent, that
' sin shall be removed from him; but if he merely
' say, " I will sin thus no more," he can only be
' released by an actual abstinence from guilt.

232. ' Thus revolving in his mind the certainty of
' retribution in a future state, let him be constantly
' good in thoughts, words, and action.

233. ' If he desire complete remission of any foul
' act which he has committed, either ignorantly or
' knowingly, let him beware of committing it again;
' *for the second fault his penance must be doubled.*

234. ' If, having performed any expiation, he feel
' not a perfect satisfaction of conscience, let him re-
' peat the same devout act, until his conscience be
' perfectly satisfied.

235. ' All the bliss of deities and of men is de-
' clared by sages, who discern the sense of the *Véda*,
' to have in devotion its cause, in devotion its con-
' tinuance, in devotion its fullness.

236. ' Devotion is *equal to the performance of all*
' *duties; it is* divine knowledge in a *Bṛáhmén*; it is
' defence of the people in a *Cshatriya*; devotion is
' *the business of trade and agriculture* in a *Vaisya*;
' devotion is dutiful service in a *Súdra*.

237. ' Holy sages, with subdued passions, feeding
' only

‘ only on fruit, roots, and air, by devotion alone are enabled to survey the three worlds, *terrestrial*, *ethereal*, and *celestial*, peopled with animal creatures, locomotive and fixed. CHAP. XI.

238. ‘ Perfect health, or unfailing medicines, divine learning, and the various mansions of deities, are acquired by devotion alone: their efficient cause is devotion.

239. ‘ Whatever is hard to be traversed, whatever is hard to be acquired, whatever is hard to be visited, whatever is hard to be performed, all this may be accomplished by true devotion; for the difficulty of devotion is the greatest of all.

240. ‘ Even sinners in the highest degree, and of course the other offenders, are absolved from guilt by austere devotion well practised.

241. ‘ *Souls, that animate* worms, and insects, serpents, moths, beasts, birds, and vegetables, attain heaven by the power of devotion.

242. ‘ Whatever sin has been conceived in the hearts of men, uttered in their speech, or committed in their bodily acts, they speedily burn it all away by devotion, if they preserve devotion as their best wealth.

243. ‘ Of a priest, whom devotion has purified, the divine spirits accept the sacrifices, and grant the desires with ample increase.

CHAP. 244. ' Even BRAHMA', lord of creatures, by devo-
 XI. ' tion enacted this code of laws; and the sages by
 ' devotion acquired a knowledge of the *Védas*.

245. ' Thus the gods themselves, observing in this
 ' universe the incomparable power of devotion, have
 ' proclaimed aloud the transcendent excellence of
 ' pious austerity.

246. ' By reading each day as much as possible of
 ' the *Véda*, by performing the *five* great sacraments,
 ' and by forgiving all injuries, even sins of the high-
 ' est degree shall be soon effaced:

247. ' As fire consumes in an instant with his
 ' bright flame the wood, that has been placed on
 ' it, thus, with the flame of knowledge, a *Bráhmen*,
 ' who understands the *Véda*, consumes all sin.

248. ' Thus has been declared, according to law,
 ' the mode of atoning for open sins: now learn the
 ' mode of obtaining absolution for secret offences.

249. ' SIXTEEN suppressions of the breath, *while the*
 ' *holiest of texts is repeated* with the three mighty
 ' words, and the trilateral syllable, continued each
 ' day for a month, absolve even the slayer of a
 ' *Bráhmen* from his hidden faults.

250. ' Even a drinker of spirituous liquors is ab-
 ' solved by repeating each day the text *apa* used by
 ' the sage CAUTSA, or that beginning with *preti* used
 ' by VASISH'THA, or that called *máhitra*, or that, of
 ' which the first word is *suddhavatyah*.

251. ' By

251. ' By repeating *each day for a month* the text *CHAP.*
 ' *dsyavdmīya*, or the hymn *Sivasancalpa*, the stealer *XI.*
 ' of gold *from a priest* becomes instantly pure.

252. ' He, who has violated the bed of his pre-
 ' ceptor, is cleared *from secret faults* by repeating
 ' *sixteen times a day* the text *havishyantīya*, or that
 ' beginning with *na tamanhah*, or by revolving in his
 ' mind the *sixteen* holy verses, called *Paurusha*.

253. ' The man, who desires to expiate *his hidden*
 ' sins great and small, must repeat *once a day* for
 ' a year the text *ava*, or the text *yateinchida*.

254. ' He, who has accepted an illegal present, or
 ' eaten prohibited food, may be cleansed in three
 ' days by repeating the text *taratsamandīya*.

255. ' Though he have committed many secret sins,
 ' he shall be purified by repeating for a month the
 ' text *sómāraudra*, or the three texts *āryamna*, while
 ' he bathes in a sacred stream.

256. ' A grievous offender must repeat the seven
 ' verses, beginning with *INDRA*, for half a year; and
 ' he, who has defiled water with any impurity, must
 ' sit a whole year subsisting by alms.

257. ' A twice-born man, who shall offer clarified
 ' butter for a year, with *eight* texts appropriated to
 ' *eight* several oblations, or with the texts *na mé*,
 ' shall efface a sin even of an extremely high de-
 ' gree.

CHAP. 258. ' He, who had committed a crime of the first
 XI. ' degree, shall be absolved, if he attend a herd of
 ' kine for a year, mortify his organs, and continually
 ' repeat the texts beginning with *pávamáni*, living
 ' solely on food given in charity.

259. ' Or, if he thrice repeat a *Sanhità* of the
 ' *Védas*, or a large portion of them with all the
 ' mantras and bráhmenas, dwelling in a forest with
 ' subdued organs, and purified by three *parácas*, he
 ' shall be set free from all sins how heinous soever.

260. ' Or he shall be released from all deadly sins,
 ' if he fast three days, with his members mortified,
 ' and twice a day plunge into water, thrice repeating
 ' the text *aghamarshana*:

261. ' As the sacrifice of a horse, the king of sa-
 ' crifices, removes all sin, thus the text *aghamarshana*
 ' destroys all offences.

262. ' A priest, who should retain in his memory
 ' the whole *Rigvéda*, would be absolved from guilt,
 ' even if he had slain the inhabitants of the three
 ' worlds, and had eaten food from the foulest hands.

263. ' By thrice repeating the *mantras* and bráh-
 ' menas of the *Rích*, or those of the *Yajush*, or those
 ' of the *Sáman*, with the *upanishads*, he shall per-
 ' fectly be cleansed from every possible taint:

264. ' As a clod of earth, cast into a great lake,
 ' sinks in it, thus is every sinful act submerged in
 ' the triple *Véda*.

265. ' The

265. ' The divisions of the *R̥ich*, the several
' branches of the *Vajush*, and the manifold strains of
' the *Sáman* must be considered as forming the triple
' *Véda*: he knows the *Véda*, who knows them col-
' lectively.

266. ' The primary triliteral syllable, in which the
' three *Védas* themselves are comprised, must be kept
' secret, as another triple *Véda*: he knows the *Veda*,
' who *distinctly* knows the *mystick sense* of that word.'

CHAP. XII.

On Transmigration and Final Beatitude.

CHAP. XII. 1. 'O THOU, who art free from sin,' said the devout sages, 'thou hast declared the whole system of duties ordained for the four classes of men: explain to us now, from the first principles, the ultimate retribution for their deeds.'

2. BHRIGU, whose heart was the pure essence of virtue, who proceeded from MENU himself, thus addressed the great sages: 'Hear the infallible rules for the fruit of deeds in this universe.

3. 'ACTION, either mental, verbal, or corporeal, bears good or evil fruit, as itself is good or evil; and from the actions of men proceed their various transmigrations in the highest, the mean, and the lowest degree:

4. 'Of that three-fold action, connected with bodily functions, disposed in three classes, and consisting of ten orders, be it known in this world, that the heart is the instigator.

5. 'Devising means to appropriate the wealth of other men, resolving on any forbidden deed, and conceiving notions of atheism or materialism, are the three bad acts of mind:

6. 'Scurrilous

6. ‘ Scurrilous language, falsehood, indiscriminate
 ‘ backbiting, and useless tattle, are the four bad acts
 ‘ of the tongue : CHAP. XII.

7. ‘ Taking effects not given, hurting sentient crea-
 ‘ tures without the sanction of law, and criminal in-
 ‘ tercourse with the wife of another, are the three
 ‘ bad acts of the body; *and all the ten have their*
 ‘ *opposites, which are good in an equal degree.*

8. ‘ A rational creature has a reward or a punish-
 ‘ ment for mental acts, in his mind; for verbal acts,
 ‘ in his organs of speech; for corporeal acts, in his
 ‘ bodily frame.

9. ‘ For sinful acts *mostly* corporeal, a man shall
 ‘ assume *after death* a vegetable or mineral form; for
 ‘ such acts *mostly* verbal, the form of a bird or a
 ‘ beast; for acts *mostly* mental, the lowest of human
 ‘ conditions :

10. ‘ He, whose firm understanding obtains a com-
 ‘ mand over his words, a command over his thoughts,
 ‘ and a command over his whole body, may justly be
 ‘ called a *tridandî*, or *triple commander*; *not a mere*
 ‘ *anchoret, who bears three visible staves.*

11. ‘ The man, who exerts this triple self-command
 ‘ with respect to all animated creatures, wholly sub-
 ‘ duing both lust and wrath, shall by those means
 ‘ attain beatitude.

12. ‘ THAT substance, which gives a power of mo-
 ‘ tion

AP. ' tion to the body, the wise call *cshétrajnya*, or *jívat-*
 II. ' *man*, the vital spirit, and that body, which thence.
 ' derives active functions, they name *bhútátman*, or
 ' *composed of elements* :

13. ' Another internal spirit, *called* mahat, or *the*
 ' *great soul*, attends the birth of all creatures imbo-
 ' died, and thence in all mortal forms is conveyed
 ' a perception either pleasing or painful.

14. ' Those two, the vital spirit and reasonable soul,
 ' are closely united with *five* elements, but connected
 ' with the supreme spirit, or divine essence, which
 ' pervades all beings high and low :

15. ' From the substance of that *supreme spirit* are
 ' diffused, *like sparks from fire*, innumerable vital spi-
 ' rits, which perpetually give motion to creatures ex-
 ' alted and base.

16. ' By the vital souls of those men, who have
 ' committed sins *in the body reduced to ashes*, another
 ' body, composed of *nerves with five* sensations, in
 ' order to be susceptible of torment, shall certainly
 ' be assumed after death ,

17. ' And, being intimately united with those minute
 ' nervous particles, according to their distribution,
 ' they shall feel, in that new body, the pangs inflict-
 ' ed in each case by the sentence of YAMA.

18. ' When the vital soul has gathered the fruit of
 ' sins, which arise from a love of sensual pleasure,
 ' but

‘ but must produce misery, and, when its taint has
 ‘ thus been removed, it approaches again those two
 ‘ most effulgent essences, *the intellectual soul and the*
 ‘ *divine spirit* :

19. ‘ They two, closely conjoined, examine without
 ‘ remission the virtues and vices of that sensitive soul,
 ‘ according to its union with which it acquires plea-
 ‘ sure or pain in the present and future worlds.

20. ‘ If the vital spirit had practised virtue for the
 ‘ most part, and vice in a small degree, it enjoys
 ‘ delight in celestial abodes, clothed with a body
 ‘ formed of pure elementary particles ;

21. ‘ But, if it had generally been addicted to vice,
 ‘ and seldom attended to virtue, then shall it be de-
 ‘ serted by those pure elements, and, *having a coarser*
 ‘ *body of sensible nerves*, it feels the pains to which
 ‘ YAMA shall doom it :

22. ‘ Having endured those torments according to
 ‘ the sentence of YAMA, and its taint being almost
 ‘ removed, it again reaches those five pure elements
 ‘ in the order of their natural distribution.

23. ‘ Let each man, considering with his intellec-
 ‘ tual powers these migrations of the soul according
 ‘ to its virtue or vice, *into a region of bliss or pain*,
 ‘ continually fix his heart on virtue.

24. ‘ BE it known, that the three qualities of the
 ‘ rational soul are a tendency to goodness, to passion,
 ‘ and to darkness ; and, endued with one or more of
 ‘ them,

AP. ' them, it remains incessantly attached to all these
 L. ' created substances :

25. ' When any one of the *three* qualities predomi-
 ' nates in a mortal frame, it renders the imbodyed
 ' spirit eminently distinguished for that quality.

26. ' Goodness is declared to be true knowledge ;
 ' darkness, gross ignorance ; passion, an emotion of
 ' desire or aversion : such is the compendious descrip-
 ' tion of those qualities, which attend all souls.

27. ' When a man perceives in the reasonable soul
 ' a disposition tending to virtuous love, unclouded
 ' with any malignant passion, clear as the purest
 ' light, let him recognise it as the quality of good-
 ' ness :

28. ' A temper of mind, which gives uneasiness and
 ' produces disaffection, let him consider as the ad-
 ' verse quality of passion, ever agitating imbodyed spi-
 ' rits :

29. ' That indistinct, inconceivable, unaccountable
 ' disposition of a mind naturally sensual, and clouded
 ' with infatuation, let him know to be the quality of
 ' darkness.

30. ' Now will I declare at large the various acts,
 ' in the highest, middle, and lowest degrees, which
 ' proceed from those three dispositions of mind.

31. ' Study of scripture, austere devotion, sacred
 ' knowledge, corporeal purity, command over the or-
 ' gans,

‘ gans, performances of duties, and meditation on the
 ‘ divine spirit, accompany the good quality of the soul: CHAP.
 XII.

32. ‘ Interested motives for acts of religion or morality, perturbation of mind on slight occasions, commission of acts forbidden by law, and habitual indulgence in selfish gratifications, are attendant on the quality of passion:

33. ‘ Covetousness, indolence, avarice, detraction, atheism, omission of prescribed acts, a habit of soliciting favours, and inattention to necessary business, belong to the dark quality.

34. ‘ Of those three qualities, as they appear in the three times, *past, present, and future*, the following in order from the lowest may be considered as a short but certain criterion.

35. ‘ Let the wise consider, as belonging to the quality of darkness, every act, which a man is ashamed of having done, of doing, or of going to do:

36. ‘ Let them consider, as proceeding from the quality of passion, every act, by which a man seeks exaltation and celebrity in this world, though he may not be much afflicted, if he fail of attaining his object:

37. ‘ To the quality of goodness belongs every act, by which he hopes to acquire divine knowledge,

HAP.
II.

‘ which he is never ashamed of doing, and which
‘ brings placid joy to his conscience.

38. Of the dark quality, as described, the principal object is pleasure; of the passionate, worldly prosperity; but of the good quality, the chief object is virtue: the last mentioned *objects* are superiour in dignity.

39. ‘ Such transmigrations, as the soul procures in this universe by each of those qualities, I now will declare in order succinctly.

40. ‘ Souls, endued with goodness, attain always the state of deities; those filled with ambitious passions, the condition of men; and those immersed in darkness, the nature of beasts: this is the triple order of transmigration.

41. ‘ Each of those three transmigrations, caused by the several qualities, must also be considered as three-fold, the lowest, the mean, and the highest, according to as many distinctions of acts and of knowledge.

42. ‘ Vegetable and mineral substances, worms, insects, and reptiles, *some very minute, some rather larger*, fish, snakes, tortoises, cattle, shakals, are the lowest forms, to which the dark quality leads:

43. ‘ Elephants, horses, men of the servile class, and contemptible *Mléch’has*, or *barbarians*, lions, tigers, and boars, are the mean states procured by the quality of darkness:

44. ‘ Dancers

44. ‘ Dancers and singers, birds, and deceitful men, CHAP.
 ‘ giants and blood-thirsty savages, are the highest XII.
 ‘ conditions, to which the dark quality can ascend.

45 ‘ *J'hallas*, or cudgel-players, *Mallas*, or boxers
 ‘ and wrestlers, *Natas*, or actors, those who teach
 ‘ the use of weapons, and those who are addicted
 ‘ to gaming or drinking, are the lowest forms oc-
 ‘ casioned by the passionate quality :

46. ‘ Kings, men of the fighting class, domestick
 ‘ priests of kings, and men skilled in the war of
 ‘ controversy, are the middle states caused by the
 ‘ quality of passion :

47. ‘ *Gandharvas*, or aerial musicians, *Guhyas* and
 ‘ *Yacshas*, or servants and companions of CUV'RA,
 ‘ genii attending superiour gods, as the *Vidyádharas*
 ‘ and others, together with various companies of
 ‘ *Apsarases* or nymphs, are the highest of those forms,
 ‘ which the quality of passion attains.

48. ‘ Hermits, religious mendicants, other *Bráhmens*,
 ‘ such orders of demigods as are wafted in airy cars,
 ‘ genii of the signs and lunar mansions, and *Daityas*,
 ‘ or the offspring of Diti, are the lowest of states
 ‘ procured by the quality of goodness :

49. ‘ Sacrificers, holy sages, deities of the lower
 ‘ heaven, genii of the *Védas*, regents of stars not in
 ‘ the paths of the sun and moon, divinities of years,
 ‘ *Pitrís* or progenitors of mankind, and the demigods
 ‘ named *Sádhyas*, are the middle forms, to which the
 ‘ good

AP. 'good quality conveys *all spirits moderately endued*
 II. 'with it:

50. 'BRAHMA' with four faces, creators of worlds
 'under him, as MARICHI and others, the genius of
 'virtue, the divinities presiding over (*two principles*
 'of nature in the philosophy of CAPILA) mahat, or the
 'mighty, and avyacta, or unperceived, are the highest
 'conditions, to which, by the good quality, souls are
 'exalted.

51. 'This triple system of transmigrations, in which
 'each class has three orders, according to actions
 'of three kinds, and which comprises all animated
 'beings, has been revealed in its full extent:

52. 'Thus, by indulging the sensual appetites, and
 'by neglecting the performance of duties, the basest
 'of men, ignorant of sacred expiations, assume the
 'basest forms.

53. 'WHAT particular bodies the vital spirit enters
 'in this world, and in consequence of what sins
 'here committed, now hear at large and in order.

54. 'Sinners in the first degree, having passed
 'through terrible regions of torture for a great num-
 'ber of years, are condemned to the following births
 'at the close of that period, to efface all remains of
 'their sin.

55. 'The slayer of a Bráhmén must enter accord-
 'ing to the circumstances of his crime the body of
 'a dog,

a dog, a boar, an ass, a camel, a bull, a goat, a sheep, a stag, a bird, a *Chandála*, or a *Puccasa*. CHAP. XII.

56. ' A priest, who has drunk spirituous liquor, shall migrate into the form of a smaller or larger worm or insect, of a moth, of a fly feeding on ordure, or of some ravenous animal.

57. ' He, who steals *the* gold of a priest, shall pass a thousand times into the bodies of spiders, of snakes and cameleons, of *crocodiles and other* aquatick monsters, or of mischievous blood-sucking demons.

58. ' He, who violates the bed of his *natural or spiritual* father, migrates a hundred times into the forms of grasses, of shrubs with crowded stems, or of creeping and twining plants, of *vultures and other* carnivorous animals, of *lions and other* beasts with sharp teeth, or of *tigers and other* cruel brutes.

59. ' They, who hurt any sentient beings, are born *cats and other* eaters of raw flesh; they who taste what ought not to be tasted, maggots or small flies; they, who steal *ordinary things*, devourers of each other: they, who embrace very low women, become restless ghosts.

60. ' He, who has held intercourse with degraded men, or been criminally connected with the wife of another, or stolen *common things* from a priest, shall be changed into a spirit called *Bráhma-rádcshasa*.

61. ' The

P. 61. ' The wretch, who through covetousness has
 ' stolen *rubies or other* gems, pearls, or coral, or
 ' precious things of which there are many sorts,
 ' shall be born *in the tribe of goldsmiths, or among*
 ' *birds called hémacáras, or gold-makers.*

62. ' If a man steal grain in the husk, he shall
 ' be born a rat; if a yellow mixed metal, a gander;
 ' if water, a *plava*, or diver; if honey a great sting-
 ' ing gnat; if milk, a crow; if expressed juice, a
 ' dog; if clarified butter, an ichneumon-weasel;

63. ' If he steal flesh-meat, a vulture; if any sort
 ' of fat, the water-bird *madgu*; if oil, a blatta, or
 ' oil-drinking beetle; if salt, a cicada or cricket; if
 ' curds, the bird *valáca*;

64. ' If silken clothes, the bird *tittiri*; if woven
 ' flax, a frog; if cotton cloth, the water-bird *craun-*
 ' *cha*; if a cow, the lizard *gódhá*; if molasses, the
 ' bird *vágguda*;

65. ' If exquisite perfumes, a musk-rat; if potherbs,
 ' a peacock; if dressed grain in any of its various
 ' forms, a porcupine; if raw grain, a hedge-hog;

66. ' If he steal fire, the bird *vaca*; if a house-
 ' hold utensil, an ichneumon-fly; if dyed cloth, the
 ' bird *chacóra*;

67. ' If a deer or an elephant, he shall be born a
 ' wolf; if a horse, a tiger; if roots or fruit, an
 ' ape; if a woman, a bear; if water *from a jar*, the
 ' bird

bird *chátaca*; if carriages, a camel; if small cattle, CHAP.
 ‘ a goat. XII.

68. ‘ That man, who designedly takes away the property of another, or eats any holy cakes not first presented to the deity at a solemn rite, shall inevitably sink to the condition of a brute.

69. Women, who have committed similar thefts, incur a similar taint, and shall be paired with those male beasts in the form of their females.

70. ‘ If any of the four classes omit, without urgent necessity, the performance of their several duties, they shall migrate into sinful bodies, and become slaves to their foes.

71. ‘ Should a *Bráhmén* omit his peculiar duty, he shall be changed into a demon called *Ulcámuc’ha* or with a mouth like a firebrand, who devours what has been vomited; a *Cshatriya*, into a demon called *Catapútana*, who feeds on ordure and carrion;

72. ‘ A *Vaisya*, into an evil being called *Maitrácshajyótica*, who eats purulent carcasses; and a *Súdra*, who neglects his occupations, becomes a foul embodied spirit called *Chailásaca*, who feeds on lice.

73. ‘ As far as vital souls, addicted to sensuality, indulge themselves in forbidden pleasures, even to the same degree shall the acuteness of their senses be raised in their future bodies, that they may endure analogous pains;

P. 74. ' And, in consequence of their folly they shall
' be doomed as often as they repeat their criminal
' acts, to pains more and more intense in despicable
' forms on this earth.

75. ' They shall first have a sensation of agony in
' *Támisra* or *utter darkness*, and in other seats of
' horror; in *Asipatravana*, or *the sword-leaved forest*,
' and in different places of binding fast and of rend-
' ing:

76. ' Multifarious tortures await them: they shall be
' mangled by ravens and owls, shall swallow cakes
' boiling hot; shall walk over inflamed sands; and
' shall feel the pangs of being baked like the vessels
' of a potter:

77. ' They shall assume the forms of beasts con-
' tinually miserable, and suffer alternate afflictions
' from extremities of cold and of heat, surrounded
' with terrors of various kinds:

78. ' More than once shall they lie in different
' wombs; and, after agonizing births, be condemned
' to severe captivity, and to servile attendance on
' creatures like themselves:

79. ' Then shall follow separations from kindred and
' friends, forced residence with the wicked, painful
' gains and ruinous losses of wealth; friendships hardly
' acquired and at length changed into enmities,

80. ' Old age without resource, diseases attended
' with

‘ with anguish, pangs of innumerable sorts, and, lastly. CHAP.
 ‘ unconquerable death. XII.

81. ‘ With whatever disposition of mind a man
 ‘ shall perform in this life any act *religious or moral*,
 ‘ in a future body endued with the same quality,
 ‘ shall he receive his retribution.

82. ‘ Thus has been revealed to you the system of
 ‘ punishments for evil deeds: next learn those acts of
 ‘ a *Bráhmén*, which lead to eternal bliss.

83. ‘ Studying and comprehending the *Véda*, prac-
 ‘ tising pious austerities, acquiring divine knowledge
 ‘ of law and philosophy, command over the organs of
 ‘ sense and action, avoiding all injury to sentient
 ‘ creatures, and showing reverence to a *natural and*
 ‘ *spiritual* father, are the chief branches of duty
 ‘ which ensure final happiness.’

84. ‘ Among all those good acts performed in this
 ‘ world, *said the sages*, is no single act held more
 ‘ powerful than the rest in leading men to beati-
 ‘ tude?’

85. ‘ OF all those duties, *answered BHRIGU*, the
 ‘ principal is to acquire from the *Upanishads* a true
 ‘ knowledge of one supreme GOD; that is the most
 ‘ exalted of all sciences, because it ensures immor-
 ‘ tality:

86. ‘ In this life, indeed, as well as the next, the
 ‘ study of the *Véda*, to acquire a knowledge of GOD,

AP. ' is held the most efficacious of those six duties in
 II. ' procuring felicity to man ;

87. ' For in the knowledge *and adoration of one*
 ' *GOD*, which the *Veda* teaches, all the rules of good
 ' conduct, *before-mentioned* in order, are fully com-
 ' prised.

88. ' The ceremonial duty, prescribed by the *Véda*,
 ' is of two kinds; *one* connected with this world,
 ' and causing prosperity on earth; *the other* abstracted
 ' from it, and procuring bliss in heaven.

89. ' A religious act, proceeding from selfish views
 ' in this world, *as a sacrifice for rain*, or in the next,
 ' *as a pious oblation in hope of a future reward*, is
 ' declared to be concrete and interested; but an act
 ' performed with a knowledge of God, and without
 ' self-love, is called abstract and disinterested.

90. ' He, who *frequently* performs interested rites,
 ' attains an equal station with the regents of the
 ' lower heaven; but he, who *frequently* performs
 ' disinterested acts of religion, becomes for ever ex-
 ' empt from *a body composed of* the five elements :

91. ' Equally perceiving the supreme soul in all be-
 ' ings and all beings in the supreme soul, he sacri-
 ' fices his own spirit *by fixing it on the spirit of*
 ' *GOD*, and approaches the nature of that sole di-
 ' vinity, *who shines by his own effulgence*.

92. ' Thus must the chief of the twice-born, though
 ' he

‘ he neglect the ceremonial rites mentioned in the *Sástras*, be diligent alike in attaining a knowledge of God and in repeating the *Véda*: CHAP. XII.

93. ‘ Such is the advantageous privilege of those, who have a double birth *from their natural mothers and from the gáyatrî their spiritual mother*, especially of a *Bráhmen*; since the twice-born man, by performing this duty but not otherwise, may soon acquire endless felicity.

94. ‘ To patriarchs, to deities, and to mankind, the scripture is an eye giving constant light; nor could the *Véda-Sástra* have been made by human faculties; nor can it be measured by human reason *unassisted by revealed glosses and comments*: this is a sure proposition.

95. ‘ Such codes of law as are not grounded on the *Véda*, and the various heterodox theories of men, produce no good fruit after death; for they all are declared to have their basis on darkness.

96. ‘ All systems, which are repugnant to the *Véda*, must have been composed by mortals, and shall soon perish: their modern date proves them vain and false.

97. ‘ The three worlds, the four classes of men, and their four distinct orders, with all that has been, all that is, and all that will be, are made known by the *Véda*:

98. ‘ The

HAP. 98. ' The nature of sound, of *tangible and visible*
XII ' shape, of taste, and of odour, the fifth *object of*
' *sense*, is clearly explained in the *Véda* alone, to-
' gether with the three qualities of mind, the births
' attended with them, and the acts which they oc-
' casion.

99. ' All creatures are sustained by the primeval
' *Véda-Sástra*, which the wise therefore hold supreme,
' because it is the supreme source of prosperity to
' this creature, man.

100. ' Command of armies, royal authority, power
' of inflicting punishment, and sovereign dominion
' over all nations, he only well deserves, who per-
' fectly understands the *Véda-Sástra*.

101. ' As fire with augmented force burns up even
' humid trees, thus he, who well knows the *Véda*,
' burns out the taint of sin, which has infected his
' soul.

102. ' He, who completely knows the sense of the
' *Véda-Sástra*, while he remains in any one of the
' four orders, approaches the divine nature, even
' though he sojourn in this low world.

103. ' They who have read many books, are more
' exalted than such as have seldom studied; they
' who retain what they have read, than forgetful
' readers; they who fully understand, than such as
' only remember; and they who perform their known
' duty, than such men as barely know it.

104. ' De-

104. ' Devotion and sacred knowledge are the best means by which a *Bráhmén* can arrive at beatitude: by devotion he may destroy guilt; by sacred knowledge he may acquire immortal glory. CHAP. XII.

105. ' Three modes of proof, ocular demonstration, logical inference, and the authority of those various books, which are deduced from the *Véda*, must be well understood by that man, who seeks a distinct knowledge of all his duties.

106. ' He alone comprehends the system of duties, religious and civil, who can reason, by rules of logick agreeable to the *Véda*, on the general heads of that system as revealed by the holy sages.

107. ' These rules of conduct, which lead to supreme bliss, have been exactly and comprehensively declared: the more secret learning of this *Mánava Sástra* shall now be disclosed.

108. ' If it be asked, how the law shall be ascertained, when particular cases are not comprised under any of the general rules, the answer is this: " That, which well-instructed *Bráhméns* propound, shall be held incontestible law."

109. ' Well instructed *Bráhméns* are they, who can adduce ocular proof from the scripture itself, having studied, as the law ordains, the *Védas* and their extended branches, or *Védángas*, *Mímánsà*, *Nyáya*, *Dherma-sástra*, *Purámas*:

110. ' A point of law, before not expressly revealed, which

P. ' which shall be decided by an assembly of ten such
 L. ' virtuous *Bráhmens* under one chief, or, if ten be
 ' not procurable, of three such under one president,
 ' let no man controvert.

111. ' The assembly of ten under a chief, *either the*
 ' *king himself or a judge appointed by him*, must
 ' consist of three, each of them peculiarly conversant
 ' with one of the three *Védas*, of a fourth skilled
 ' in the *Nyáya*, and a fifth in the *Mímánsà philoso-*
 ' *phy*; of a sixth, who has particularly studied the
 ' *Niructa*; a seventh, who has applied himself most
 ' assiduously to the *Dherma-sástra*; and of three *uni-*
 ' *versal scholars*, who are in the three first orders.

112. ' One, who has chiefly studied the *Rigvéda*, a
 ' second, who principally knows the *Yajush*, and a
 ' third best acquainted with the *Sáman*, are the assem-
 ' bly of three under a head, who may remove all
 ' doubts both in law and casuistry.

113. ' Even the decision of one priest, *if more can-*
 ' *not be assembled*, who perfectly knows the princi-
 ' ples of the *Védas*, must be considered as law of the
 ' highest authority; not the opinion of myriads, who
 ' have no sacred knowledge.

114. ' Many thousands of *Bráhmens* cannot form a
 ' legal assembly for the decision of contests, if they
 ' have not performed the duties of a regular student-
 ' ship, are unacquainted with scriptural texts, and
 ' subsist only by *the name of* their sacerdotal class.

115. ' The

115. ' The sin of that man, to whom dunces, pervaded by the quality of darkness, propound the law, of which they are themselves ignorant, shall pass, increased a hundred-fold, to the wretches who propound it.

116. ' This comprehensive system of duties, the chief cause of ultimate felicity, has been declared to you; and the *Bráhmén*, who never departs from it, shall attain a superiour state above.

117. ' Thus did the all-wise MENU, who possesses extensive dominion, and blazes with heavenly splendour, disclose to me, from his benevolence to mankind, this transcendent system of law, which must be kept devoutly concealed *from persons unfit to receive it.*

118. ' Let every *Bráhmén* with fixed attention consider all nature, both visible and invisible, as existing in the divine spirit; for, when he contemplates the boundless universe existing in the divine spirit, he cannot give his heart to iniquity:

119. ' The divine spirit alone is the whole assemblage of gods; all worlds are seated in the divine spirit; and the divine spirit no doubt produces, *by a chain of causes and effects consistent with free-will*, the connected series of acts performed by im-bodied souls.

120. ' He may contemplate the subtil ether in the cavities of his body; the air in his muscular motion
' and

‘ and sensitive nerves; the supreme *solar and igneous*
 ‘ light, in his digestive heat and his visual organs;
 ‘ in his corporeal fluids, *water*; in the *terrene* parts
 ‘ of his fabrick, *earth*:

121. ‘ In his heart, the moon; in his auditory
 ‘ nerves, the guardians of eight regions; in his pro-
 ‘ gressive motion, *VISHNU*; in his muscular force,
 ‘ *HARA*; in his organs of speech, *AGNI*; in excretion,
 ‘ *MITRA*; in procreation, *BRAHMA*’:

122. ‘ But he must consider the supreme omnipre-
 ‘ sent intelligence as the sovereign lord of them all,
 ‘ *by whose energy alone they exist*; a spirit, *by no*
 ‘ *means the object of any sense*, which can only be
 ‘ conceived by a mind *wholly abstracted from matter*,
 ‘ *and as it were* slumbering; but which, *for the pur-*
 ‘ *pose of assisting his meditation*, he may imagine
 ‘ more subtil than the finest conceivable essence, and
 ‘ more bright than the purest gold.

123. ‘ Him some adore as transcendently present
 ‘ in elementary fire; others, in *MENU*, lord of crea-
 ‘ tures, *or an immediate agent in the creation*; some,
 ‘ as more distinctly present in *INDRA*, *regent of the*
 ‘ *clouds and the atmosphere*; others, in pure air;
 ‘ others, as the most High Eternal Spirit.

124. ‘ It is He, who, pervading all beings in five
 ‘ elemental forms, causes them by the gradations of
 ‘ birth, growth, and dissolution, to revolve in this
 ‘ world, *until they deserve beatitude*, like the wheels of
 ‘ a car.

125. ‘ Thus

125. ' Thus the man, who perceives in his own soul CHAP.
' the supreme soul present in all creatures, acquires XII.
' equanimity toward them all, and shall be absorbed
' at last in the highest essence, even that of the Al-
' mighty himself.'

126. HERE ended the sacred instructor; and every
twice-born man, who, attentively reading this *Má-
nava Sástra*, promulgated by BHṚIGU, shall become
habitually virtuous, will attain the beatitude which he
seeks.

GENERAL NOTE.

THE learned *Hindus* are unanimously of opinion, that many laws enacted by MENU, their oldest reputed legislator, were confined to the three first ages of the world, and have no force in the present age, in which a few of them are certainly obsolete; and they ground their opinion on the following texts, which are collected in a work entitled, *Madana-ratna-pradīpa*.

I. CRATU: In the *Cali*-age a son must not be begotten *on a widow* by the brother of *the deceased husband*; nor must a damsel, *once given away in marriage*, be given a *second time*; nor must a bull be offered in a sacrifice; nor must a water-pot be carried *by a student in theology*.

II. VRIHASPATI: 1. Appointments of *kinsmen to beget children on widows, or married women, when the husbands are deceased or impotent*, are mentioned by the sage MENU, but forbidden by himself with a view to the order of the four ages: no such act can be legally done in this age by any others *than the husband*.

2. In the first and second ages men were endued
with

with true piety and sound knowledge; so *they were* in the third age; but in the fourth, a diminution of their *moral and intellectual* powers was ordained by *their Creator* :

3. Thus were sons of many different sorts made by ancient sages, but such cannot now be adopted by men destitute of those eminent powers.

III. PARA'SARA : 1. A man, *who has held intercourse with a deadly sinner*, must abandon his country in the first age; he must leave his town, in the second; his family, in the third age; but in the fourth he needs only desert the offender.

2. In the first age, he is degraded by mere conversation with a degraded man; in the second; by touching him; in the third, by receiving food from him; but in the fourth, the sinner alone bears his guilt.

IV. NA'RADA : The procreation of a son by a brother *of the deceased*, the slaughter of cattle in the entertainment of a guest, the repast on flesh-meat at funeral obsequies, and the order of a hermit, *are forbidden or obsolete in the fourth age*.

V. *A'ditya purāna* : 1. What was a duty in the first age, must not, *in all cases*, be done in the fourth; since, in the *Cali-yuga*, both men and women are addicted to sin :

2. Such

2. Such are a studentship continued for a very long time, and the necessity of carrying a water-pot, marriage with a paternal kinswoman, or with a near maternal relation, and the sacrifice of a bull,

3. Or of a man, or of a horse: and all spirituous liquor, must, in the *Culi*-age, be avoided by twice-born men; so must a second gift of a married young woman, *whose husband has died before consummation*, and the larger portion of an eldest brother, and procreation on a brother's widow or wife.

VI. *Smṛiti*: 1. The appointment of a man to beget a son on the widow of his brother; the gift of a young married woman to another bridegroom, *if her husband should die* while she remains a virgin;

2. The marriage of twice-born men with damsels not of the same class; the slaughter, in a religious war, of *Bráhmens*, who are assailants with intent to kill;

3. Any intercourse with a twice-born man, who has passed the sea in a ship, even though he have performed an expiation; performances of sacrifices for all sorts of men; and *the necessity of* carrying a water-pot;

4. Walking on a pilgrimage till the pilgrim die; and the slaughter of a bull at a sacrifice; the acceptance of spirituous liquor, even at the ceremony called *Sau-trámani*;

5. Receiving

5. Receiving what has been licked off, at an oblation to fire, from the pot of clarified butter; entrance into the third order, or that of a hermit, though ordained *for the first ages*;

6. The diminution of crimes in proportion to the religious acts and sacred knowledge *of the offenders*; the rule of expiation for a *Brāhmen* extending to death;

7. The sin of holding any intercourse with sinners; the secret expiation of any great crimes except theft; the slaughter of cattle in honour of eminent guests or of ancestors;

8. The filiation of any but a son legally begotten or given in adoption *by his parents*; the desertion of a lawful wife for any offence less than actual adultery:

9. These *parts of ancient law* were abrogated by wise legislators, as the cases arose at the beginning of the *Cali*-age, with an intent of securing mankind from evil.

ON the preceding texts it must be remarked, that none of them, except that of VRIHASPATI, are cited by CULLU'CA, who never seems to have considered any other laws of MENU as restrained to the three first ages; that of the *Smṛiti*, or sacred code, is quoted without the name of the legislator; and that the prohibition, in any age, of *self-defence*, even against *Brāhmens*,

Bráhmens, is repugnant to a text of SUMANTU, to the precept and example of CRISHNA himself, according to the *Mahábhárat*, and even to a sentence in the *Véda*, by which every man is commanded *to defend his own life from all violent aggressors*.

NOTES.

CHAP. I.

Verse 15. In Hindu metaphysics, 'the five perceptions of sense' imply, the sight as referable to the eyes, the hearing to the ears, the scent to the nose, the taste to the tongue, and the touch to the skin. By 'the five organs of sensation' (sense?), are intended the hand, the foot, the voice, the organ of generation, and that of excretion. The commentator identifies what is mentioned here with what is said Chap. II. verses 90 and 91, but the difference in the denominations would lead to a doubt whether the same objects are intended in the two places; for in the latter verses the first class are termed 'organs of sense,' and the second 'organs of action.' Were it not for this interpretation of the passage, Chap. I. verse 15, by the Hindu commentators, I should be inclined to translate the hemistich thus: 'and the five organs of sense, and the five senses gradually.'

In the twelfth chapter and the fiftieth verse, Sir William Jones has mentioned the agreement of the system of theogony and cosmogony of MENU with that of CAPILA, the reputed founder of the SÁNC'HYA, or sceptical school of philosophy. The essay given by Mr. Colebrooke on this branch of Hindu metaphysics, in the first volume of the Transactions of the Royal Asiatic Society, is a real favour to all who take an interest in so important a link between ancient and modern opinions. The notices on the same subject, to be found at the end of Dr. Taylor's translation of the *Prabód'ha-chandrodāya*, were too scanty to do more than excite a wish that some one competently versed in the philosophical opinions of Europe and Asia would undertake the task.

While that given by the late Mr. Ward in his account of the Hindus, is evidently too hastily prepared to give any, but a general impression of the very curious and interesting documents of ancient Hindu civilization and refined speculation. Neglected as these matters have heretofore been, it must prove highly satisfactory to every Sanscrit scholar that the philosophy of the Hindus has found so able an expositor as Mr. Colebrooke. It is to be hoped, that he will complete what he has so well begun, by affording the world the means of judging of the other schools in which are contained the philosophical speculations of a portion of the human race so anciently civilized as the Hindus; and whose literature is impressed with characteristick features, that are ample pledges of its antiquity and originality.

CHAP. II.

Verse 25. The word 'universe,' has, by an error of the press, been printed in Italick instead of Roman letters, as it originally stood in Sir W. Jones's works. It may not be uninteresting to observe, that the word *sarva*, employed here to signify the universe, in its original and primary sense implies *all*, or *the whole*. Hence it is employed as an epithet of SIVA, as well as of VISHNU, by the worshippers of those Gods, agreeably to the Hindu doctrine, that contemplates the *universal whole* through any one of its multiform parts. In the account given in Enfield's History of Philosophy*, it will be seen that ZARVA was the chief of all the Gods among the Persians, and produced the good and evil principles, or HORMISDA and SATANA. I think, from the evident connexion between the religious systems of the Persians and the Hindus, the identity of the god ZARVA and the SARVA of India must be incontestible; and we are thus enabled to take a new and
most

* Vol. I. p. 64.

most accurate view of the real nature of the Magian religion. In it we find the same prevailing idea common in all the theogonies of the ancients, namely, the finite nature of their gods, and their subordinate rank, as the personifications or the powers of the *boundless whole*, that is, of *nature*. Moses Chorenensis speaks of the same mythological character under the name of ZEROVAN. Anquetil du Perron in his *Zend Avesta*,* likewise mentions ZERVAN, whom he considers as time personified; but the sense of the word *Sarva* or *Sarvam* enables us at once to find a clue to the real nature of 'the chief of all the Gods.' Good and evil were, under this point of view, the inevitable results or offspring of material existence; and the pantheism which saw *God in all*, by the language of personification; made *Sarva*, or *the whole*, the parent of the two principles, which were named HORMISDA and SATANA.

41. *Sana* is both hemp (*Cannabis sativa*), and Bengal *san*, a plant from which a kind of hemp is prepared, viz *crotonaria juncea*, and other kinds.

Cshumà, is the *linum usitatissimum*.

42. *Munja* is a sort of grass (*saccharum munja*).

Múrvá is a sort of creeper, from the fibres of which bow-strings are made, (*Sansevieria zeylanica*).

43. *Cusa* is a species of grass used in many solemn and religious observances, hence called sacrificial grass (*Poa cynosuroides*).

The *Asmántaca* does not occur in the dictionaries.

The *Valvaja* is a sort of grass (*saccharum cylindricum*).

45. The *Vilva* is a fruit-tree, commonly named *Bél* (*Ægle marmelos*).

The *Palása* is the *Butea frondosa*.

The *Vata* is the *Ficus Indica*.

C'hadira is a tree, the resin of which is used in medicine, *khayar* or *catechu* (*Mimosa-catechu*).

The *Vénu* is the bamboo, but the text says the *Pílu*, which is

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either

* Tom. II. 90. n. 2.

either the *Careya arborea* or the *Salvadora Persica*. It likewise implies the stem of the palm-tree.

The *Udumbara* is the glomerous fig-tree (*Ficus glomerata*).

87. The learned translator has, in conformity with the view of his commentator, varied in translating the sentence *maitra bráhmena uchyaté*, which occurs again in Chap. XI. v. 35.

99. 'As water flows through one hole of a bottle.' The original is more expressive, and alludes to the custom of carrying water in goat-skins in India. The skin is sewed together again, just as taken off the animal, and one of the feet is left open for the purpose of filling and emptying the skin, which is carried on a man's back; the foot for use being firmly grasped by the hand of the carrier, who thus distributes the water at his pleasure. Hence the passage would be more exactly rendered 'as water from one foot of a skin.'

113. The expression 'should rather die with his learning,' would be more exactly rendered 'should rather willingly die with his learning.'

142. Instead of 'father' the text reads 'brahmen,' but the comment favours Sir W. Jones's translation; yet v. 144 inclines to the latter interpretation.

156. The word *viduh*, which the translator has rendered in the past, is most commonly employed in a present sense, which is required in this verse. See Mr. Wilkins' grammar, page 174, Rule 196.

CHAP. III.

Verse 24. In the original we have *cavayó viduh*, 'poets, i. e. legislators consider' and not 'some consider.'

34. 'That sinful marriage' should have been 'that most sinful marriage.'

44. The

44. The word *pratōda* rather implies a goad used to compel oxen, than a whip.

It may be remarked, that there seems to be some difficulty in reconciling the allusion in this verse of a *Sūdrā* marrying a priest, when we find the prohibition so strong in verses 13, 14, 15, and 16 of this chapter. The text clearly intends a marriage with a *Brāhmen* by the expression *utcrishté védé* 'in the highest marriages.'

76. I have been particular in marking the words of this verse in Italick letters, as the translation is very paraphrastical. Indeed the original verse, which will be found exactly in the Roman letters, conveys in the latter part the exact germ of the doctrine which has been so ably handled of late by an eminent writer, namely, the dependence of population upon sustenance.

123. The words 'of the *Pitris*,' should follow 'the monthly *srāddha*.'

133. 'Spears' should be included with 'iron balls' as among the number of things to be swallowed in the next world, by the giver of the *srāddha*.

158. It is not the mountain-rue, but the swallow-wort (the *Asclepias acida*).

261. The word *purastāt*, which I find in the mss. as well as in the Calcutta edition, implies 'before,' therefore we should read 'before the repast,' and not 'after the repast.'

270. Though the learned translator has rendered the word *sasa* by 'rabbits or hares,' yet I think there is a reasonable doubt whether the rabbit came within the contemplation of the law-giver, as such an interpretation is not given even by the commentator. As far as my experience goes, it is decidedly against the supposition that the rabbit is indigenous in India. The opinion of the natives is clear from their designating them 'wīlāyatī khargōsh,' 'Foreign or English hares.' But I have the authority of the two most eminent oriental scholars in this

this country for the same opinion, and one of them suggests, with great justice, that it may perhaps be found in the mountain districts to the north of India, though it be unknown to the inhabitants of the plains.

272. The potherb *cdlasda* is not found in the dictionaries.

The *mahásalka* is the shrimp or prawn.

CHAP IV.

6. The meaning of '*satyānrīta*,' is 'truth and falsehood,' by which commercial dealings are not unaptly designated; there being necessarily a mixture of both in such transactions.

47. The passage 'on the bank of a river,' would be more exact if rendered 'on reaching the bank of a river.'

49. I have ventured to alter the word 'potherb' into 'potsherd,' which I think must have been the word intended by the translator. The selection of potherbs, for the purpose noticed, carries with it something ridiculous, the sole intention of the injunction being to preserve the earth from contamination. The original passage is '*cāsht'ha-lóshta-patra-trināddina*,' 'with wood, clods, leaves, grass, and the like.'

52. The words 'in water,' should be inserted, and then the passage will read 'in water or against a twice-born man.'

68. Here, as in v. 44 of Chap. III. the word *pratōda* should be rendered 'goad,' and not 'whip.'

69. 'The sun in the sign *canyā*.' *Canyā*, in its general sense, means a virgin, and here designates the sign VIRGO.

74. We should here read, 'let him not himself put off his sandals with his hand.'

82. The verb '*na candīyet*' implies (as coming from the root *candū*, 'itch') 'let him not scratch his head with both hands,' instead of 'let him not stroke, &c.'

90. Among

90. Among the list of places of future punishment here enumerated, I have in the Sanscrit text adopted, on the authority of other mss. that of '*Lôhadâriça*' or 'iron-pincers,' instead of '*Lôhângârica*' or 'the pit of red hot charcoal.' By 'iron-pincers' I suppose a place of torment where the damned are continually tortured by being torn with iron-pincers.

129. The word 'repeatedly' should be here added, and the passage will then stand 'nor repeatedly with many clothes.'

156. The passage 'such practice gives desirable offspring' has been omitted by the translator, and should immediately follow the first sentence.

168. The same idea that is found in this couplet, will be seen in Chap. XI. v. 208.

230. 'A giver of silver, exquisite beauty.' Beauty has been assigned as the reward for a gift of silver, apparently because it made a sort of pun; *rûpya* implying both silver and beautiful. Similar cases occur throughout the work, in which a play upon words has been allowed, when no solid reason could be assigned for any other allotment of rewards or punishments. In the twelfth chapter many such are to be observed.

243. This verse has not been translated with the same felicity and exactness which distinguish the rest: perhaps it might be rendered more in consonance with the general spirit of the version thus (See v. 167. Chap. II.):

"Yes, verily! Sovereign virtue instantly conducts the man whose sins have been expiated by penance, to the higher world, with a radiant and ethereal body."

CHAP. V.

6. The *sélu* is the *cordia myxa*.

11. The *tittibha* is the *Parra jacana* or *goensis*.

12. The *plava*, is both the diver and a sort of duck, (*Wilson*); and Mr. Wilkins considers it the same as the plover.

The *chacravaca* is the ruddy goose, familiarly known in India by the name of Bráhmny duck or goose (*Anas casarca*).

The *sárasa* is the Indian crane.

The *rajjuóla* is not found in the dictionartes.

The *aátyúha* which Sir William Jones has translated 'wood-pecker,' is rendered 'a gallinule' by Mr. Colebrooke in the *Amera Cósha*, to which Mr. Wilson adds in his Dictionary, 'the *chátaca*, a sort of cuckoo.' The *chátaca* is specified by Mr. Colebrooke to be the *cuculus melano-leucus*.

It is worthy of remark, that the *sáricá*, which Sir William Jones renders female parrot, is actually a species of jay (*gracula religiosa*). By a similar connexion, the *sáricá* is fixed upon as a suitable mate for the parrot in the Bengálí 'Tales of a Parrot.' Are we here to suppose, for the purpose of reconciling this apparent inconsistency, that the word *sáricá* is familiarly applied to the female parrot, though unnoticed in such a sense by the dictionaries?

13. The *cóyashtí* is the lapwing.

14. Sir William Jones has omitted to render the *baláca*, which should have been inserted between 'the heron, the raven,' and which Mr. Wilson renders 'a sort of crane.'

The word which Sir William Jones writes *c'hanjana*, as it is given in the comment, is spelt *c'hanjarítaca* in the text. Neither the one or the other is found in the dictionaries.

16. The *pát'hna* is. the sheat-fish (*Silurus pelorius*. Buchannon mss.).

The

The *rôhita* is familiarly known as the rôhi-fish (cyprinus denticulatus).

The *rajtva* is a large fish (cyprinus niloticus. *Buchannon*.)

The *sinhatunda* (lion-faced) is not noticed in the dictionaries.

The *sasalká* is likewise unmentioned in the dictionaries; but CULLÚCA in his comment on the *Mahásalka*, Chap. III v. 272, identifies these fish with one another: it is therefore the shrimp or prawn.

18. I am happy to be able to quote the words of an eminent orientalist, as explanatory of the proper import of the passage 'the lizard *gódhá*, the *gandaca*.' The first of which, namely, 'the *gódhá*, not being the lizard or iguana.'

"With deference I wish to correct the translation of a verse of MENU relating to this subject. In his interlineary version, Sir William Jones has translated *chadga* rhinoceros, which is the undoubted meaning of the word. I can assign no reason for his substituting the Sanscrit word *gandaca*, which is another name for the rhinoceros. In the same version, Sir William Jones translated *gódhá*, iguana; I am led to understand by that term the *gódhica*, or *lacerta gangetica*, named *góhl* and *garidl* in the vulgar dialects of Bengal; the iguana is in Sanscrit called *gaud'héra*, *gaud'hara*, *gaud'héya*, and *gód'hicdtmaja*, which literally signifies offspring of the *lacerta gangetica*. May I add, that this species of alligator has been ill-described by European naturalists; and through a strange mistake, has been called the open-bellied crocodile." *A Digest of Hindu Law, translated by H. T. Colebrooke, Esq. Vol. III. p. 345, note.*

The interlineary version alluded to by Mr. Colebrooke, was made by Sir William Jones in his own copy of the original text. The reason why Sir William Jones substituted *gandaca* for the original word *chadga*, arose, probably, from that word being adopted by CULLÚCA in his comment upon the text: a practice repeatedly followed by Sir William Jones; as the commentator

has generally given those terms which are most sanctioned by familiar usage. It must be likewise borne in mind, that at the period when the translation was made, many of the commonest objects of natural history had not been identified with their Sanscrit designations.

The ‘*rablit* and hare:’ see note on Chap. III. v. 270.

20. The nature of the penance *sántapana* may be seen in v. 213, Chap. XI.

An explanation of the *chandráyana* penance will be found in v. 217 and 218, Chap. XI.

21. The penance *prájapatya* is given in v. 212 of the eleventh chapter.

25. The term *chirastu’ham* ‘stale,’ which qualifies every article enumerated, has not been rendered by the translator.

63. The translator has followed the comment rather than the text, in translating the last hemistich of this verse, ‘but after begetting a child on a *parapúrvá*, he must meditate three days on his impure state.’ The text is more general, being ‘after any seminal connexion, &c.’ For an explanation of *parapúrvá* see v. 163 of this chapter.

66. The translator, in rendering the word *rajas* by ‘blood,’ has made the legislator adopt a vulgar prejudice to which he was superiour. That word does not mean blood, but, according to the Hindus, the fructifying medium: they apply it equally to the pollen of a flower, or the monthly secretion of a female; both being indispensable to precede production, the one in all vegetable, and the other in the human and in some animal bodies. One of the terms by which this appearance is known in Sanscrit, viz. *pushpa* a flower, will strikingly support the idea of an ancient connexion between the popular opinions of the Gothick and Hindu nations.

71. Every manuscript I have been enabled to consult reads ‘one,’ and not ‘three days of impurity.’

83. The

83. The evident order of progression would be sufficient to point out an error in the number five. The mss. all say fifteen, agreeably to which the text has been restored, as there is no doubt the error is the effect of a mere oversight, perhaps of the printer. This is likewise the opinion of Mr. Colebrooke, *Hindu Digest*, Vol. II. p. 457.

134. The injunction does not apply to *vessels* contaminated, as here mentioned, but to *persons* after performing any of the natural wants. Indeed, the latter part of the injunction clearly shews that *personal* purity was the object of the notice.

CHAP VI.

Verse 14. The *b'hústrīna* is a fragrant grass (andropogon schoenanthus).

The *sigruca* is a potherb not yet specified, and is not in the dictionaries. It is different from the *sigru*, a tree (morunga guilandina and hyperanthera).

The *sléshvétaca* appears to be the same mentioned by Mr. Wilson under the form *sléshvétā*, a small tree (*cordia myxa*).

67. The *cataca* is the clearing-nut plant (*strychnos potatorum*). One of the seeds of the plant being rubbed on the inside of the water-jars used in Bengal, occasions a precipitation of the earthy particles diffused through the water. *Wilson*.

77. Instead of 'the quality of darkness,' we should read 'the quality of passion,' as the original word is *rajaswalam*, 'possessing the quality of passion.'

CHAP. VII.

Verse 3. The learned translator seems to have understood the word *vidruté* as in the present tense of the middle voice, instead of being the perfect participle employed in the ablative absolute to agree with *lóké*, 'on (this) world.' Perhaps the following will be a more literal interpretation of the verse, which is curious, as shewing the ancient opinion of the Hindus as to the origin of sovereignty :

"Since this world, on being destitute of a king, quaked on all sides, therefore the Lord created a king, for the maintenance of this system (*locomotive and stationary*)."

111. The words 'ere long' should be read before 'deprived,' and the passage will then stand '(will) be ere long deprived both of his kingdom and life.'

118. Wherever wood is mentioned here, it is always for the purpose of fuel. The original word, *indhana*, means fuel: *i. e.* wood, grass, &c. used for that purpose.

119. There appears to be an error here; for the text states that the 'lord of twenty' is to have five *cula*, each *cula* consisting of two ploughed lands; therefore, as the lord of ten villages is to enjoy the produce of two ploughed lands, the lord of twenty villages should have that of *ten* and not five ploughed lands.

126. Though the error of the legislator, in assigning a specific sum of money as a remuneration of service, is similar to what our own institutions afford many examples, yet it could not have been attended with so many disadvantages in India as with us, even had the specification been for other servants besides those of a king; firstly, because even for a long course of ages there seems to have been but little variation in the value of exchangeable produce; and secondly, because the wages were to be accompanied with a certain quantity of grain, apparently sufficient for the servant's maintenance.

One *pana* of copper is at present the equivalent of eighty *cowries*, and appears to be the original of the *fanam* now in current use at Madras. In Chap. VIII. v. 136, it is laid down that a *cārshāpana* weighs eighty *racticās*. The *racticā* is the seed of the *abrus precatorius*, and weighs one grain five-sixteenths. The commentator considers the *cārshāpana* and the *pana* as equal or equivalent to one another.

A *drōna* implies two different measures at the present day: its capacity is either one or four *ād'haca*. Now to determine which of these is meant we must be guided by the quantity. An *ād'haca* is a measure of grain, weighing seven pounds, eleven ounces avoirdupois. This would be clearly insufficient to sustain a man and his family during a month; and we must therefore suppose, if either of the present assignable quantities were those contemplated by the legislator, that it must be the larger one, containing thirty pounds, twelve ounces avoirdupois. As rice is mentioned in the text, it would support more persons than could be effected by any other grain; yet still it seems, if we have the right capacity of the *drōna*, but very poor pay to allow even the lowest servant of a king but little better than one pound of rice each day. I cannot help thinking, therefore, that the *drōna* must have been larger in ancient times than either of the two measures already specified. It is likewise to be remembered, that the *pana* which was to accompany it, would hardly have been sufficient to have purchased the necessary condiments that must be eaten with the rice, to make it either wholesome or nutritious.

Since writing the foregoing remarks, I find that Mr. Carey in his *Bengal Dictionary*, states that the *ād'haca* varies in capacity, but is considered to be equal to two *mans* in the neighbourhood of Calcutta. The bazar *man* being equal to eighty pounds, the *drōna* would consequently contain six hundred and forty pounds, if it consisted of four such *ād'haca*; and would be equivalent to about twenty-one pounds of rice per diem. In the Indian Algebra, translated

by

by Mr. Colebrooke (page 3), it is stated that a *c'hári* of *Magad'ha*, contains a solid cubick foot, and that a *dróna* is the fourth part of a *c'hári*. All that can be learn' from these clashing authorities, is the uncertainty of the real capacity of the *dróna* in ancient times

195. By wood is meant fuel. See note on v. 118 of this chapter.

202. The words 'and his nobles' should have followed 'the new prince;' we must therefore read, 'and let him gratify the new prince and his nobles with gems, and other precious gifts.'

CHAP. VIII.

Verse 77. The words 'even' and 'pure' are omitted here; and the passage will accordingly read, 'and will have more weight than even many pure women.'

156. Considerable difficulty attends the interpretation of this verse. Sir William Jones renders *chacravrid'd'hi* 'safe carriage.' The word has been before used in these Institutes in the sense of compound interest, which is its usual import. Mr. Colebrooke, in his translation of the DIGEST, gives a gloss of CHANDÉSWARA as well as that of CULLÚCA: both are here subjoined.

" 'Who has agreed on the place and time,' is thus expounded on the authority of CHANDÉSWARA: the debtor says, 'I will pay the debt at such a place, and at such a time;' and the creditor assents to that proposal. Such a creditor is a lender at wheel-interest (compound interest), having bargained for interest of that description. If he pass that place and time, if he do not go to that place at that time, the creditor shall not receive such interest, namely, wheel-interest: of course he must receive back the sum lent without interest. Hence, even should interest prescribed by the law be stipulated for a certain time and place, it shall not be received by the creditor if the do not attend at that

that place and time: for that small omission annuls legal interest.

" But CULLÚCA BHATTA expounds the text otherwise: the term 'wheel' denotes the use of a wheel-carriage, or the like. A lender who has accepted that by way of interest, and has agreed on the place and time; for instance, *he has agreed*, that 'a journey to *Vádránast*, or the use of a carriage for the year, shall be the only interest:' in such a case, if the debtor fail in time and place, if he do not carry *goods* to *Vádránast*, or do not carry *goods* during the year, he shall receive the benefit, that is, the whole hire of the carriage: consequently, the whole interest is undischarged."* *Hindu Digest*, Vol. I. p. 361.

193. The word 'publicly' should be inserted in the last clause of this verse, and the passage will then read, 'be publicly punished by various degrees of *whipping or mutilation, or even by death.*'

234. The word *róchand*, which the translator interprets 'the liquor exuding from their foreheads,' may be equally rendered 'the concrete bile of the cow,' which is used as a yellow pigment.

246. Instead of the names which occur in the text, the translator has substituted in some instances the more familiar Sanscrit terms by which they are generally known. Thus, for *nyagrôḥa*, he has given *vata*: both imply the ficus Indica. And for *as-watt'ha*, he writes *pippala*: they are the same tree, viz. ficus religiosa. The *palâsa* is likewise substituted for the *cinsuca*, a tree bearing beautiful red blossoms, and hence often alluded to by the poets: they are both known as *butea frondosa*.

The *sálmañi* is the silk-cotton tree (*bambu heptaphyllum*).

The *sâla* is the *shorea robusta*.

By

* Note on the above by Mr. Colebrooke. "The translation (of the text) which I quote unaltered, varies from both comments."

By the *tála* is most probably meant the palmyra-tree, or fan palm (*borassus flabelliformis*). It likewise implies a species of the mountain palm (*corypha taliera*).

Of the two names brought in from the comment as abounding in milk, the first or *udumbara* is the glomerous fig-tree (*ficus glomerata*), and the second or *vajradru* implies the various species of euphorbia.

247. By *vénu* are intended all the varieties of the bamboo.

Sami is the name for two plants; *viz* the sami-tree or mimosa suma, and a snrub (*serratula anthelmintica*).

The *sara* is a sort of reed or grass (*saccharum sara*).

In Mr. Wilson's Dictionary the *cubjaca* is mentioned as an aquatick plant (*trapa bispinosa*), this is not therefore likely to be the one alluded to in this verse; and we may therefore suppose it is the same as the *cubja* (*achyranthes aspera*). The attributive affix *ca* being often subjoined at pleasure.

268. There is a mistake in the number 'five hundred,' which is out of all proportion when compared with the other fines: all the mss. state 'fifty.' The mistake is easily accounted for, by remembering how very similar the word *panchasat* is to *panchásat*, here being but the difference of a long and short vowel between them.

289. The words 'flowers, roots, and fruits,' have been omitted in the translation, and should have followed the words 'wood or clay.'

299. In opposition to the *dictum* of the lawgiver, I feel happy in borrowing a note of Mr. Colebrooke's on this very verse. May I quote a maxim of no less authority? *Setdparádhair nitám pushpéndpi ne tád'yét*; strike not, even with a blossom, a life guilty of a hundred faults." *Hindu Digest*, Vol. II. p. 209.

359. Instead of 'a man of the servile class,' the text reads (a man) not a brahmen.' The translator has followed CULLÚCA's comment.

375-377. I think the employment of the word 'priestess' hardly admissable, as nothing more is intended by the word *bráhmenì* than a female *bráhmen*, on the wife of a *bráhmen*. By the word priestess I am led to understand a female constituted to direct or perform the offices of religion. By a reference to v. 18, Chap. IX. it will be seen that women can have nothing to do with the offices of religion. See likewise v. 155, Chap. V.

CHAP. IX.

Verse 108. I am supported by Mr. Colebrooke's authority in reading the first hemistich of this verse, 'As a father should support his sons, so let the first-born *support* his younger brothers,' &c. Mr. Colebrooke thinks that Sir William Jones must have read *pitaiva* instead of *pitéva*.

242. The translator has followed the commentator, in reading 'shall be corporally or even capitally punished, *according to circumstances*.' The original simply decrees banishment as the punishment of the crime specified in the preceding verses.

CHAP. XI.

Verse 25. The *bhása* is explained to be a vulture, and not a kite, by Mr. Wilson.

49. The colour *syáva* has been before rendered 'black-yellow' by the translator in v. 153, Chap. III. here he simply translates it 'black.' It is a matter of little or no consequence, but the colour is generally interpreted brown. In MENU it is only employed to describe the teeth.

90. Instead of 'this is no expiation,' the original reads 'no expiation is decreed,' &c.

136. It has just been remarked in the note on v. 25, that *bhāsa* is rendered vulture by Mr. Wilson.

Instead of 'if priests have accepted any property from base hands,' we should read 'if priests have acquired any property by infamous actions.'

260. The mss. state that the sinner should plunge 'thrice a day,' and not 'twice a day,' as perhaps was in Sir William Jones's copy, which he seems to have followed,

CHAP. XII.

The variations from the text in this chapter of the translator's version consist more in amplifications, owing to the translator having followed the comment, and not so much in any verbal differences. It will be evident, therefore, that no notice could be given of them that would not have swelled these remarks beyond the space they were intended to occupy. It will be sufficient for the mere English reader to know, that the general sense of the original has been faithfully rendered by the translator.

THE END.

